NATIONAL ARCHIVES MICROFILM PUBLICATIONS

MICROCOPY

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VOLUME

1944

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday in October (being the 2nd day of the same month) in the year of our Lord one thousand, nine hundred and forty-four and of the independence of the United States the one hundred and sixty-ninth, The Supreme Court of the United States met agreeably to law.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Leon Ulman, Esquire, of New York, State of New York; Melvin S. Cohen, Esquire, of Washington, District of Columbia, and John F. Wright, Esquire, of Syracuse, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that Ernest L. Duhaime, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Joseph B. Goldman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that William A. Baker, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. MacLane, It is ordered that Wallace P. Zachry, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Roberts, It is ordered that Leon Jourolmon, Jr., Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. D. Jamieson, It is ordered that Morris Rochman, Esquire, of Hicksville, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Ehrlich, It is ordered that Leo Sheiner, Esquire, of Walden, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Peters, Jr., It is ordered that H. Carnie Russell, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hyman Maurice Goldstein, It is ordered that Hyman Ginsberg, Esquire, of Baltimore, State of Maryland, and Harry Leeward Katz, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Quirk, It is ordered that Morton Lexow, Esquire, of Suffern, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. Fleming, It is ordered that Lee William Ensel, Esquire, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick C. Fiechter, Jr., It is ordered that William B. Dennis, Esquire, of Beverly Hills, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Webster Ballinger, It is ordered that Newman Hall Clark, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Foster Wood, It is ordered that Lawford Eric Carey, Esquire, of Zion, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Baker, It is ordered that Milton Conn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Lamb, It is ordered that William Farnum White, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Delbert E. Metzger, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Loyola M. Coyne, It is ordered that Jacques L. Ach, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Owsley Vose, It is ordered that Irving Brooke Campbell, Esquire, of Chicago, State of Illinois, and Edward John Dahms, Esquire, of Cedar Rapids. State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Rushton, It is ordered that William Marvin Woodall, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Rufus Bailey, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Edgar A. B. Spencer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Matthews, Jr., It is ordered that Robert W. Lishman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill. It is ordered that David M. Engelson, Esquire, of New York, State of New York, and Sidney Burstein, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Southmayd, It is ordered that Windsor Calkins, Esquire, of Eugene, State of Oregon, and George William Neuner, Esquire, of Salem, State of Oregon, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Marie E. Schwartz, Petitioner, vs. Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

82

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the writ of certiorari in this cause,

Therefore, pursuant to said stipulation, it is ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Proclamation being made the Court is adjourned until Monday, next, October 9, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Harold V. Snyder, Esquire, of Chicago, State of Illinois; Rutledge Carter Clement, Esquire, of Danville, Commonwealth of Virginia; James C. Purcell, Esquire, of San Francisco, State of California; and Wm. A. Paisley, Esquire, of Jacksonville, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Mellott, It is ordered that Thomas E. Joyce, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Carroll Morrissey, It is ordered that Maxine Charlier, of Sandy, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Ivan Robinette, It is ordered that Henry S. Stevens, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Maurice Morris, It is ordered that Charles E. Whittaker, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Brower, It is ordered that Coleman Gangel, Esquire, of New York, State of New York, and P. Wolf Winer, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick G. Roth, It is ordered that Walter S. Rountree, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Martin Heilman, It is ordered that William Owens Heilman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred. E. Fuller, It is ordered that Hubert Hickam, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert J. Evans, It is ordered that Richmond M. Golightly, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Shields, It is ordered that C. G. Roetzel, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Leo J. Kennedy, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Philip Kane, It is ordered that Albert Francis Reardon, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hughes J. Rhodes. It is ordered that J. E. Tucker, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Holmes Baldridge, It is ordered that Omar L. Crook, Esquire, of Mangum, State of Oklahoma, and James McI. Henderson, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that Theodore H. Kendrick, Esquire, of Lynn, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Dobson Miller, It is ordered that Samuel B. Friedman, Esquire, of Newark, State of New Jersey, and Henry Goldhor, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis M. Denit, It is ordered that John A. Chamberlain, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen H. Philbin, It is ordered that Benjamin T. Rauber, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Roger Evin Jones, Appellant, vs. The People of the State of California. — Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

121

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 2nd Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Roger Evin Jones, Appellant, vs. The People of the State of California. — Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

121

TREATING the appeal papers herein from the District Court of Appeal of the State of California, 2nd Appellate District, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Commercial Credit Company, Appellant, vs. George O'Brien, as County Treasurer of the County of Silver Bow, State of Montana, et al.

Appeal from the Supreme Court of the State of Montana.

378

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

Commercial Credit Company, Appellant, vs. George O'Brien, as County Treasurer of the County of Silver Bow, State of Montana, et al.

Appeal from the Supreme Court of the State of Montana.

378

TREATING THE appeal papers herein from the Supreme Court of the State of Montana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

J. P. Taylor, et al., as Trustees of the Lake Placid Methodist Church,

Appellants,

184 vs.

Mary Emma Payne, as Administratrix, de bonis non - cum testamento annexo.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mary P. Finlayson and D. A. Finlayson, Her Husband,

Appellants,

194 vs.

Town of Monticello, a Municipal Corporation Under the Laws of the State of Florida.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mercedes Realty, Inc.,

Appellant,

211 vs.

Standard Homestead Association.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mercedes Realty, Inc., Appellant,

211 vs.

Standard Homestead Association.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

William C. Dennick, Administrator of the Estate of Jeannette E. Dennick, Deceased,

Appellant,

244 vs.

The Miami Savings & Loan Company.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Charles D. Offhouse, et al., Appellants, vs. The Board of Education of the City of Paterson in the County of Passaic. — Appeal from the Supreme Court of the State of New Jersey.

311

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Jersey, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Vincent J. Todaro, Appellant, vs. The State of New Jersey. — Appeal from the Court of Errors and Appeals of the State of New Jersey.

355

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed since the application presents no substantial federal question.

Per Mr. Chief Justice Stone.

The Hanna Furnace Corporation, Appellant, vs. The United States of America, Interstate Commerce Commission, The Baltimore and Ohio Railroad Company, et al. — Appeal from the District Court of the United States for the Western District of New York.

132

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of New York, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that

the motion to affirm the decree of the District Court herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

North Coast Transportation Company and Independent Stages, Inc.,

Appellants,

274 vs.

The United States of America, Interstate Commerce Commission and West Coast Bus Lines, Ltd., et al.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

North Coast Transportation Company and Independent Stages, Inc.,

Appellants,

275 vs.

The United States of America, Interstate Commerce Commission and West Coast Bus Lines, Ltd., et al.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and on motions to affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to affirm the decree of the District Court herein be, and the same are, hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

George Thornton,

Appellant,

401 vs.

State of Mississippi.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Thornton, Appellant, 401 vs. State of Mississippi. Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be . (on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

George Thornton, Appellant, 401 vs. State of Mississippi. Appeal from the Supreme Court of the State of Mississippi.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. B. Kemmemer, et al., Petitioners,
290 vs.
C. B. Billington, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, It is ordered by this Court that the said petition be, and the same is hereby, denied for failure to comply with paragraph 2 of Rule 38 of the Rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The United States of America, Complainant,
10, Original vs.
The State of Wyoming, et al.

ON CONSIDERATION of the motion for leave to file a bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and process is ordered to issue returnable within 60 days from October 9, 1944.

Per Mr. Chief Justice Stone.

Ex parte George Acret,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Carl Mingione,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

--- vs.

Ralph S. Hinman.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Andrew Barnett,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte A. B. Parmer,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Booker T. George,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph Jack Giasulla,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert Jones,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Benjamin H. Jones,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Reno,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Wharton,

Petitioner,

--- vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ben F. Mason,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Caulo,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Caulo,

Petitioner.

TREATING the habeas corpus papers filed herein as a petition for writ of certiorari,

IT IS ORDERED that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William M. Lee,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William M. Lee,

Petitioner.

TREATING the habeas corpus papers filed herein as a petition for writ of certiorari,

IT IS ORDERED that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Arthur E. Fake,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Arthur E. Fake,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Paul Hile,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and for other relief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte A. D. Young,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied. The application for other relief is also denied.

Per Mr. Chief Justice Stone.

Ex parte Percy Berry,

Petitioner.

ON CONSIDERATION of the application submitted herein by Percy Berry,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Reuben S. Brewer,

Petitioner.

ON CONSIDERATION of the application submitted herein by Reuben S. Brewer,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harry Duncombe,

Petitioner.

ON CONSIDERATION of the application submitted herein by Harry Duncombe,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Dougherty,

Petitioner.

ON CONSIDERATION of the application submitted herein by James Dougherty,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph Jackson,

Petitioner.

ON CONSIDERATION of the application submitted herein by Joseph Jackson,

IT IS ORDERED by this Court that the said application be, an the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Milton James,

Petitioner.

ON CONSIDERATION of the application submitted herein by Milton James,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Andrew Scott,

Petitioner.

ON CONSIDERATION of the application submitted herein by Andrew Scott,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ella H. Tinkoff, et al.,

Petitioners,

--- vs.

Ben Gold, Trustee, etc.

ON CONSIDERATION of the motion to set aside the order denyin an extension of time within which to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbur V. Keegan,

Petitioner,

39 vs.

The United States of America.

ON CONSIDERATION of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

47 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

48 vs.

The United States of America, et al.

These cases are assigned for argument on Monday, January 8, 1945.

Per Mr. Chief Justice Stone.

O. C. Tomkins,

Petitioner,

64 vs.

The State of Missouri; and

Charles Williams,

Petitioner,

102 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

It is ordered that John Raeburn Green, Esquire, of St. Louis, Missouri, be, and he is hereby, appointed to serve as counsel for the petitioners in the above-entitled cases.

Per Mr. Chief Justice Stone.

In re Clyde Wilson Summers,

Petitioner.

205

A rule is ordered to issue, returnable within 30 days, requiring the Supreme Court of Illinois to show cause why the record in this proceeding should not be certified to this Court and also why the petition for writ of certiorari herein should not be granted.

Per Mr. Chief Justice Stone.

Chase Securities Corporation, now known as Amerex Holding Corporation,

Appellant,

110 vs.

Frank A. Donaldson, et al., etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

State Farm Mutual Automobile Insurance Company,

Appellant,

115 vs.

Morvin Duel, Commissioner, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Pennsylvania Railroad Company, et al.,

Appellants,

182 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Federal Public Housing Authority,
Formerly United States Housing
Authority,

Appellant,

388 vs.

George Guckenberger, Auditor,
Hamilton County, Ohio, and
Ethel Skirvin.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket and assigned for argument immediately following No. 69.

Per Mr. Chief Justice Stone.

Ella F. Pondren, and the Estate of W. W. Pondren, Deceased, et al.,

Petitioners,

88 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles E. Merrill,

Petitioner,

126 vs.

John L. Pahs, United States Collector of Internal Revenue for the District of Florida.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

134 vs.

Louis Townsley.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Prudence Realization Corporation, Order allowing certiorari.

Petitioner,

137 vs.

Joseph W. Ferris, et al., Trustees, etc.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Webre Steib Company, Ltd., Order allowing certiorari.

Petitioner,

148 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Albert E. McKenzie, as Trustee in Bankruptcy of Graves-Quinn Corporation,

Petitioner,

188 vs.

Irving Trust Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the State of New York is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Connecticut Light and Power Company,

Petitioner,

189 vs.

Federal Power Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Willis E. Giese,

Petitioner,

192 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Order of Railway Conductors of America, H. W. Fraser, as President of the Order of Railway Conductors of America, etc., et al., — Order allowing certiorari.

Petitioners,

200 vs.

The Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Republic Aviation Corporation, — Order allowing certiorari.

Petitioner,

226 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Clarence W. Blair, — Order allowing certiorari.

Petitioner,

265 vs.

Baltimore & Ohio Railroad Company.

The petition herein for a writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Canadian Aviator Limited, Order allowing certiorari.

Petitioner,

279 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

John Barr, Order allowing certiorari.

Petitioner,

287 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Court of Customs & Patent Appeals is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

City Bank Farmers Trust Company, Formerly Known as the Farmers Loan and Trust Company, as Administrator, etc., Order allowing certiorari.

Petitioner,

294 vs.

George T. McGowan, Collector of Internal Revenue for the Twenty-eighth Collection District, New York.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hattie Mae Tiller, Executor of the Estate of John Lewis Tiller, Deceased,

Petitioner,

335 vs.

Atlantic Coast Line Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Robert H. Young,

Petitioner,

342 vs.

The Higbee Company, William W. Boag and J. F. Potts,

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Industrial Addition Association,

Petitioner,

118 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 vs.

G. W. Burley, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The F. W. Fitch Company,

Petitioner,

181 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lena Rosenman, et al., as Executors of the Last Will and Testament of Louis Rosenman, Deceased,

Petitioners,

207 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harry W. Cline, Trustee in Bankruptcy of Gold Medal Laundries, Inc.,

Petitioner,

307 vs.

Arthur S. Kaplan, Harry Koplin and Budget Launderers, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit, is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Roscoe Herget, Trustee in Bankruptcy of N. L. Rogers & Company, Inc., etc.,

Petitioner,

322 vs.

The Central National Bank & Trust Company, a National Banking Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The North Shore Corporation,

Petitioner,

345 vs.

Isadore Barnett, J. F. Booth, R. Brazle, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The North Shore Corporation, Petitioner,

vs.

William J. Scott, Rubin Knox and W. M. Young.

346

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Regal Knitwear Company, Petitioner,

vs.

National Labor Relations Board.

86

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the sixth question presented by the petition for the writ and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

W. G. Choate, Order allowing certiorari.

Petitioner,

93 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, limited to the second question presented by the petition for the writ and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Metropolitan Bank, Order allowing certiorari.

Petitioner,

161 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Georgia Hardwood Lumber Company, Order allowing certiorari.

Petitioner,

180 vs.

Compania de Navegacion Transmar, S. A., Owner of S.S. Kotor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, limited to the first and second questions presented by the petition for the writ and case transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be

The Scottish American Investment Company, Limited,

Petitioner,

220 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 54.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

British Assets Trust, Limited,

Petitioner,

221 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 54.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Second British Assets Trust, Limited,

Petitioner,

222 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 54.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fidelity-Philadelphia Trust Company, et al., Executors of the Estate of Anna C. Stinson, Deceased,

Petitioners,

263 vs.

Walter J. Rothensies, Individually and as Collector of Internal Revenue for the First District of Pennsylvania.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the question whether the entire value of the corpus of the trust at the time of decedent's death should be included in the decedent's gross estate. The case is transferred to the summary docket.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guaranty Trust Company of New York,

Petitioner,

264 vs.

Grace W. York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Guaranty Trust Company of
New York,

Petitioner,

264 vs.

Grace W. York.

ON CONSIDERATION of the motion for leave to file an additional record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this motion.

The United States, Order allowing certiorari.

Petitioner,

312 vs.

Willow River Power Company,

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lee P. Weiler, Order allowing certiorari.

Petitioner,

340 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the question presented by the petition for the writ which is stated as Question 1 in the respondent's brief.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Morris Malinski and Sidney Rudish,

Petitioners,

367 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Morris Malinski and Sidney Rudish, Order allowing certiorari.

Petitioners,

367 vs.

The People of the State of New York.

The petition herein for a writ of certiorari to the Court of Appeals of the State of New York is granted, and the case is assigned for argument on Monday, December 4, next.

And it is further ordered that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Morris Malinski and Sidney Rudish,

Petitioner,

367 vs.

The People of the State of New York.

The stay of execution heretofore granted in this case is continued until final disposition of the case.

Per Mr. Chief Justice Stone.

Charles S. Lobingier,
Petitioner,
77 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Broach Employees Protective Association,
Petitioner,
78 vs.
National Labor Relations Board and American Broach & Machine Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Goodall Company,
Petitioner,
79 vs.
Ruby E. Sartin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Goodall Company,

Petitioner,

80 vs.

William Sartin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

46th Street Theatre Corporation and Select Operating Co., Inc.,

Petitioners,

87 vs.

Robert Wm. Christie.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Sitamore,

Petitioner,

91 vs.

Nathan Mayo, as State Prison Custodian, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fred T. Hogan,
Petitioner,
94 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Union Pacific Railroad Company,
Petitioner,
95 vs.
Lila B. Thatcher.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Union Pacific Railroad Company,
Petitioner,
96 vs.
Annabelle C. Utterbach, William R. Utterbach, et al.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fletcher Trust Company, Trustees and Transferees,

Petitioners,

97 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Michael W. Albano,

Petitioner,

100 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the District Court of Springfield, County of Hampden, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Springfield, County of Hampden, Commonwealth of Massachusetts, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Newman, Frederick Batchelor, Juan Uribe, et al.,

Petitioners,

103 vs.

United Fruit Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United Fruit Company, Petitioner,

360 vs.

Harry Newman, Frederick Batchelor, Juan Uribe, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Sue Magruder, Petitioner,

104 vs.

Christine Magruder, Harry F. Magruder, Alice E. Mose, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David W. Wallace, Petitioner,

105 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Forrest Smith, State Auditor of the State of Missouri,

Petitioner,

107 vs.

American Bridge Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Celia Strickland, et al.,

Petitioners,

108 vs.

Humble Oil & Refining Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Zimberg and Max Goldberg,

Petitioners,

109 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin H. Roth, et al., Co-partners, Doing Business Under the Firm Name of B. H. Roth & Co.,

Petitioners,

113 vs.

R. L. Myer and W. M. Davis and Son Company (a corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Mutual Liability Insurance Company,

Petitioner,

114 vs.

Mrs. Eugene Adler.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Despatch Shops, Inc.,

Petitioner,

116 vs.

Village of East Rochester, George Schreib, Mayor of the Village of East Rochester, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas J. Casey, Trustee,
Petitioner,
119 vs.
John Hancock Mutual Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Donald L. Underwood, Cora Underwood, Pauline Underwood, et al.,
Petitioner,
120 vs.
Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeal for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton Maloney, as Executor Under the Last Will and Testament of Annie W. Chieves, Deceased, et al.,
Petitioners,
122 vs.
The Board of Directors of City Trusts of the City of Philadelphia, a Corporation.

On petition for writ of certiorari to the United States Court of Appeal for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Century Oxford Manufacturing Corporation,

Petitioner,

125 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bankers Trust Company, as Trustee, et al.,

Petitioners,

127 vs.

The People of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Lewis Brown,

Petitioner,

128 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Johnston, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

129

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

T. Alice Klages, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

130

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eastern Wine Corporation, Petitioner, vs. G. H. Mumm Champagne (Society Vinicole de Champagne, Successors), et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

131

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Graybar Electric Company, Inc., Petitioner, vs. New Amsterdam Casualty Company. — On petition for writ of certiorari to the Court of Appeals of the State of New York.

138

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey Gilmore Nicholson, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

139

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Clanton Lowery, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

140

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman W. Minuse and Joseph E. H. Pelletier,

Petitioners,

141 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leland H. Cameron,

Petitioner,

142 vs.

Civil Aeronautics Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Moe Henry Hankin,

Petitioner,

143 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel A. Miller, as Trustee in Bankruptcy of the Estate of John Barrymore, Bankrupt,

Petitioner,

146 vs.

Roland Rich Wooley.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Southern Railway Company,

Petitioner,

147 vs.

Pauline C. Jester, as Administratrix of the Estate of Claude V. Jester, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Arthur Johnston,

Petitioner,

157 vs.

Peter B. Carey, Sheriff of Cook County, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Greene and Hazel McCormick Greene,

Petitioners,

162 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circu it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania,

Petitioner,

168 vs.

Vincent Conte.

On petition for writ of certiorari to the Superior Court of the Commo wealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willard Saxby Townsend, et al.,

Petitioners,

171 vs.

The New York Central Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circ it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Peitzman (Now William A. Riley), et al., Doing Business as U. S. Elevated Tank Maintenance Company,

Petitioners,

172 vs.

City of Illmo, a Municipal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William I. Bassett, Also Known as William Bassett,

Petitioner,

174 vs.

Margaret Helen Bassett.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Lincoln National Life Insurance Company of Fort Wayne, Indiana,

Petitioner,

175 vs.

Elma Custer

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of North Dakota,
Petitioner,
176 vs.
Raphael Jerome Szarkowski,
Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of North Dakota,
Petitioner,
239 vs.
John A. Stanton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr., Administrator c. t. a. of the Estate of Robert L. Steele, III, et al.,
Petitioners,
177 vs.
Farmers Bank & Trust Company and Federal Reserve Bank of Richmond.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy A. Thompson, Trustee of the Missouri Pacific Railroad Company,

Petitioner,

179 vs.

Sherman M. Godsby.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Conrad Marino and Gabriel Vigorito,

Petitioners,

183 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Floyd L. Land,

Petitioner,

186 vs.

Ethel Rosenberg Bass, Joined by Her Husband and Next Friend, Walter C. Bass.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Evergreens,

Petitioner,

187 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John K. Beretta,

Petitioner,

191 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William J. Soeder and Edward A. Soeder,

Petitioners,

195 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Landis Machine Company,
Petitioner,
202 vs.
Chase Tool Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Manufacturers' Finance Company,
Petitioner,
203 vs.
Dave Marks, Trustee in Bankruptcy of Belmont Candy Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Florence Hills Rogers,
Petitioner,
206 vs.
Solomon Raffe, Trustee in Bankruptcy of Alfred M. Rogers.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William B. Belknap,
Petitioner,
208 vs.
Ann Manning De Ridder McAndrews, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Magnolia Petroleum Company,
Petitioner,
209 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry M. Kohn,
Petitioner,
210 vs.
The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederic Leake,
Petitioner,
215 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Byron J. Walters,
Petitioner,
216 vs.
Edith Maud Wilson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Kopelove and Ralph Schear,
Petitioners,
217 vs.
Joe Sherman, Max Robinson and S. H. Robinson & Co.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elastic Stop Nut Corporation,
Petitioner,
224 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence Paul Domres,
Petitioner,
225 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francisco Ballester-Ripoll,
Petitioner,
227 vs.
Court of Tax Appeals of Puerto Rico, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sun Life Assurance Company of Canada,

Petitioner,

228 vs.

Ruth P. Bull.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stanley Taylor,

Petitioner,

229 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby,denied.

Per Mr. Chief Justice Stone.

Flora Coyne, et al.,

Petitioners,

230 vs.

Simrall Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General Exporting Company,
Petitioner,
231 vs.
Star Transfer Line and Southard & Co., Ltd.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grieder Machine Tool & Die Company,
Petitioner,
234 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred E. Hummel, Trustee for Monark Freight System, Inc., Bankrupt,
Petitioner,
237 vs.
Emil Hrabak.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Seldon R. Glenn, Collector of Internal Revenue,

Petitioner,

238 vs.

Eleanor Beard.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Allison Bishopric, et al.,

Petitioners,

241 vs.

City of Jackson, et al.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New York State Guernsey Breeders' Co-operative, Inc.,

Petitioner,

246 vs.

Claude R. Wickard, Secretary of Agriculture of the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New York Handerchief Mfg. Co.,
Petitioner,
247 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The 18th Street Leader Stores, Inc.,
Petitioner,
268 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The County of Westchester and the Westchester County Park Commission,
Petitioners,
251 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northwestern Mutual Fire Association and Northwest Casualty Company,

Petitioners,

254 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Russian Greek Catholic Church of St. John the Baptist, et al.,

Petitioners,

257 vs.

Maurice F. McAuliffe, Roman Catholic Bishop of Hartford, etc.

On petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Errors of the State of Connecticut, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cummer-Graham Company,

Petitioner,

260 vs.

Straight Side Basket Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bankers Mortgage Company,
Petitioner,
267 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Saulsbury Oil Company,
Petitioner,
272 vs.
Phillips Petroleum Company and Independent Natural Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phillips Petroleum Company and Independent Natural Gas Company,
Petitioners,
273 vs.
Saulsbury Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Weymann,
Petitioner,
276 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States Trust Company of New York, Executor of Lewis Cass Ledyard, Jr., Deceased,
Petitioner,
277 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Compania Trasatlantica (Formerly Compania Trasatlantica Administrada por el Estado),
Petitioner,
278 vs.
S. S. Manuel Arnus, Her Engines, etc., United States of America, Claimant Appearing Specially and Todd-Galveston Dry Docks, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Kortz, Petitioner, vs. The Guardian Life Insurance Company of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

280

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard Harry Layton, Petitioner, vs. State of Oregon. — On petition for writ of certiorari to the Supreme Court of the State of Oregon.

285

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aluminum Company of America, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

286

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. S. D. Smith,

Petitioner,

289 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mutual Fire Insurance Company of Germantown,

Petitioner,

292 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mutual Benefit Health & Accident Association,

Petitioner,

293 vs.

United Casualty Company, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifford Littell Le Duc,
Petitioner,
297 vs.
Normal Park Presbyterial Church,
an Illinois Religious Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peyton Packing Company, Inc.,
Petitioner,
298 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacob Dvorkin,
Petitioner,
300 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arner Company, Inc., et al., Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

301

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eugene Dietzgen Co., Petitioner, vs. Federal Trade Commission. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

304

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Cammick Wagoner, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

308

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Texas and Texas State Permanent School Fund,

Petitioners,

309 vs.

Tabasco Consolidated Independent School District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sinclair Refining Company,

Petitioner,

310 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeal for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. C. Laycock, et al.,

Petitioners,

315 vs.

Hidalgo County Water Control & Improvement District No. 12, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raladam Company, as Claimant of 62 Packages, More or Less, of Marmola Prescription Tablets,

Petitioner,

316 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Sterling Rockefeller,

Petitioner,

317 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois Railroad Company,

Petitioner,

318 vs.

James E. Waddell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Trustees of the Internal Improvement Fund, et al.,
Petitioners,
320 vs.
Southwest Tampa Storm Sewer Drainage District, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fairchester Oil Co., Inc.,
Petitioner,
323 vs.
First National Bank of New Rochelle.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

May R. Keiferdorf,
Petitioner,
325 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Zola Burdon, Administratrix of the Estate of Robert Burdon, Deceased,

Petitioner,

329 vs.

Clarence Wood.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Reconstruction Finance Corporation, etc., and 210 Other Relators,

Petitioners,

330 vs.

Board of Education of the City of Chicago, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be,and the same is hereby, denied.

Per Mr. Chief Justice Stone.

P. J. Lewis,

Petitioner,

331 vs.

Board of Education of the City of Chicago, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving K. Hutchinson, et al., Petitioners,
vs.
Board of Education of the City of Chicago, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

332

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas V. Novotny, Sr., Petitioner,
vs.
The People of the State of Illinois, ex rel. The Chicago Bar Association.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

336

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kyle E. Stant and Stant Manufacturing Company, Petitioners,
vs.
Container Patents Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

343

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Ludwig and Kenneth B. Ludwig, a Minor,

Petitioners,

344 vs.

A. Margueritte Schear.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edna Albright, Widow of Clayton L. Albright, Deceased,

Petitioner,

348 vs.

The Pennsylvania Railroad Company, a Body Corporate, Employer and Self-Insurer.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Springfield Sand & Tile Co., et al.,

Petitioners,

349 vs.

James Bagnel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Employers Group of Motor Freight Carriers, Inc., et al.,
Petitioners,
350 vs.
National War Labor Board, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest Walker Sawyer,
Petitioner,
363 vs.
Crowell Publishing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Selchow & Righter Company,
Petitioner,
382 vs.
Western Printing & Lithographing Company and Whitman Publishing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward McGrew,

Petitioner,

383 vs.

Francis R. Harbison.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward McGrew,

Petitioner,

384 vs.

William P. Simmons.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nellie Dale Clemens,

Petitioner,

397 vs.

William L. Clemens.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lieut. William Downey, U. S. A., et al.,

Petitioners,

398 vs.

The Hon. Dwight H. Green, Ex Officio in the Capacity Hereinafter Designated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Victor J. Garity,

Petitioner,

60 vs.

The People of the State of New York.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Victor J. Garity,

Petitioner,

60 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Repplier Coal Company,

Petitioner,

89 vs.

Commissioner of Internal Revenue.

Repplier Coal Company,

Petitioner,

90 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion of F. G. Davidson, Jr., Theodore L. Harbison, J. Donald Rawlings, and W. A. Sutherland for leave to file a brief as amici curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Repplier Coal Company,

Petitioner,

89 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Repplier Coal Company,

Petitioner,

90 vs.

Commissioner of Internal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. E. Grosbeck, C. V. Graham, O. L. Johnston, et al., Petitioners, vs. Dora Goldstein. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

101

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Mary Stevens Baird, Petitioner, vs. Arthur H. Franklin, Treasurer of the New York Stock Exchange, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

111

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

The New York Yacht Club, Petitioner, vs. Arthur H. Franklin, Treasurer of the New York Stock Exchange, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

112

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of

W. Coffee, Individually and as Trustee for Ruth Coffee Coble, et al.,

Petitioner,

133 vs.

The Shamrock Oil and Gas Corporation.

ON CONSIDERATION of the motion of E. Bryon Singleton, Cleo G. Clayton, et al., for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. Coffee, Individually and as Trustee for Ruth Coffee Coble, et al.,

Petitioners,

133 vs.

The Shamrock Oil and Gas Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stanley M. Borak,

Petitioner,

135 vs.

Francis Biddle, as Attorney General of the United States.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stanley H. Borak,

Petitioner,

135 vs.

Francis Biddle, as Attorney General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lawrence Baking Company,

Petitioner,

144 vs.

Michigan Unemployment Compensation Commission.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

City of Winter Haven, et al.,

Petitioners,

145 vs.

W. J. Meredith, James G. Martin and A. R. Ohmart.

ON CONSIDERATION of the motion to withdraw the appearance of Miller Walton as counsel for the petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

City of Winter Haven, et al.,

Petitioners,

145 vs.

W. J. Meredith, James G. Martin and A. R. Ohmart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke and Mary E. Doble,

Petitioners,

155 vs.

The Anglo California National Bank of San Francisco, et al.

ON CONSIDERATION of the motion for an enlargement of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke and Mary E. Doble,

Petitioners,

155 vs.

The Anglo California National Bank of San Francisco, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke,

Petitioner,

196 vs.

R. D. Brigham, Walter E. Buck,
R. Stanley Dollar, et al.

ON CONSIDERATION of the motion for an enlargement of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke,

Petitioner,

196 vs.

R. D. Brigham, Walter E. Buck,
R. Stanley Dollar, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary E. Doble,

Petitioner,

197 vs.

Walter E. Buck, R. Stanley Dollar,
Herbert Fleishhacker, et al.

ON CONSIDERATION of the motion for an enlargement of the recordin this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary E. Doble,

Petitioner,

197 vs.

Walter E. Buck, R. Stanley Dollar, Herbert Fleishhacker, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Glenn Clark and James Pontralo,

Petitioners,

170 vs.

State of Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The United Gas Improvement Company,

Petitioner,

201 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Norman G. Baker,

Petitioner,

151 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the case is moot.

Per Mr. Chief Justice Stone.

Bertha A. Owens, Executrix of the Estate of Lyle F. Owens, Deceased,

Petitioner,

240 vs.

Union Pacific Railroad Company.

ON CONSIDERATION of the motion to use the certified record in case No. 580, October Term, 1942, in considering the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bertha A. Owens, Executrix of the Estate of Lyle F. Owens, Deceased,

Petitioner,

240 vs.

Union Pacific Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Alfred Lucking and Margaret Holmes Davis,

Petitioners,

266 vs.

First National Bank-Detroit and National Bank of Detroit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Samuel Sandberg, et al.,

Petitioners,

281 vs.

New England Novelty Co., Inc.

On petition for writ of certiorari to the Superior Court in and for the County of Worcester, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court in and for the County of Worcester, Commonwealth of Massachusetts, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

The United States of America,

Petitioner,

313 vs.

Willard P. Van Pelt.

ON CONSIDERATION of the motion of the respondent for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner,
313 vs.
Willard P. Van Pelt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Minnesota, Petitioner,
358 vs.
Trustees of the Hamline University of Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

State of Minnesota, Petitioner,
359 vs.
Trustees of Hamline University of Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Frank Kuczynski,

Petitioner,

123 vs.

Ora H. Cox, Warden, U. S. Medical Center.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frank Kuczynski,

Petitioner,

123 vs.

Ora H. Cox, Warden, U. S. Medical Center.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward R. Handler,

Petitioner,

124 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward R. Handler,

Petitioner,

124 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William B. Doak,

Petitioner,

156 vs.

Federal Land Bank of Baltimore.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William B. Doak,

Petitioner,

156 vs.

Federal Land Bank of Baltimore,

On Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Webb,

Petitioner,

158 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Webb,

Petitioner,

158 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. John P. Smith,

Petitioner,

159 vs.

Vernon A. Morhous, as Warden of Great Meadow Prison, Comstock, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. John P. Smith,

Petitioner,

159 vs.

Vernon A. Morhous, as Warden of Great Meadow Prison, Comstock, New York.

On petition for writ of certiorari to the Washington County Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Washington County Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Michael Montagno,

Petitioner,

163 vs.

Vernon A. Morhous, as Warden of Great Meadow Prison, Comstock, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Michael Montagno,

Petitioner,

163 vs.

Vernon A. Morhous, as Warden of Great Meadow Prison, Comstock, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Jessie Adams,

Petitioner,

164 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Jessie Adams,

Petitioner,

164 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jake Whaley,

Petitioner,

165 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jake Whaley,

Petitioner,

165 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Theodore James Audett,

Petitioner,

190 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Theodore James Audett,

Petitioner,

190 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William W. Bolds,

Petitioner,

193 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William W. Bolds,

Petitioner,

193 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Russell Grant,

Petitioner,

198 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Russell Grant,

Petitioner,

198 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willie Davis,

Petitioner,

213 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Willie Davis,

Petitioner,

213 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chauncey Tuttle,

Petitioner,

214 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Chauncey Tuttle,

Petitioner,

214 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois. IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Yetter,

Petitioner,

235 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Yetter,

Petitioner,

235 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Way,

Petitioner,

236 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Way,

Petitioner,

236 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Jones,

Petitioner,

243 vs.

Hon. Ernest R. Stewart, as Regular Judge of the Boone Circuit Court, Indiana, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Jones,

Petitioner,

243 vs.

Hon. Ernest R. Stewart, as Regular Judge of the Boone Circuit Court, Indiana, et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil Smith,

Petitioner,

245 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cecil Smith,

Petitioner,

245 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leonard B. Colwell,

Petitioner,

255 vs.

George D. Epstein, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leonard B. Colwell,

Petitioner,

255 vs.

George D. Epstein, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter A. Leimer,

Petitioner,

256 vs.

Fred B. Hulse, John Grover, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter A. Leimer,

Petitioner,

256 vs.

Fred B. Hulse, John Grover, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Arthur Nesselrotte,

Petitioner,

269 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Arthur Nesselrotte, Petitioner,
269 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Emanuel Black, Petitioner,
270 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Emanuel Black, Petitioner,
270 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby denied.

- Per Mr. Chief Justice Stone.

Lillian E. Ravenscroft,

Petitioner,

282 vs.

George A. Casey, John Toucher,
Patrick J. Hughes, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lillian E. Ravenscroft,

Petitioner,

282 vs.

George A. Casey, John Toucher,
Patrick J. Hughes, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oliver Bradford,

Petitioner,

283 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Oliver Bradford,

Petitioner,

283 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Bass,

Petitioner,

288 vs.

Commonwealth of Kentucky.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Bass,

Petitioner,

288 vs.

Commonwealth of Kentucky.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Williams,

Petitioner,

302 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Williams,

Petitioner,

302 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Bradshaw,

Petitioner,

303 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Bradshaw,

Petitioner,

303 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Matthew Nowak,

Petitioner,

305 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Matthew Nowak,

Petitioner,

305 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maurice Maloney,

Petitioner,

306 vs.

State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Maurice Maloney,

Petitioner,

306 vs.

State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jerry King,

Petitioner,

326 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary of Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jerry King,

Petitioner,

326 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary of Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Melvin Tresize,

Petitioner,

328 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Melvin Tresize,

Petitioner,

328 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leslie Simpson,

Petitioner,

333 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leslie Simpson,

Petitioner,

333 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chesteen McConnell,

Petitioner,

356 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Chesteen McConnell,
Petitioner,
356 vs.
State of Indiana.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Steffler,
Petitioner,
357 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Steffler,
Petitioner,
357 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Rozea,

Petitioner,

364 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Rozea,

Petitioner,

364 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie Duncan,

Petitioner,

389 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Eddie Duncan,

Petitioner,

389 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gust Pappas,

Petitioner,

416 vs.

State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gust Pappas,

Petitioner,

416 vs.

State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert E. Cash,

Petitioner,

169 vs.

Howard B. Gill, General Superintendent, Lorton Reformatory, Lorton, Virginia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert E. Cash,

Petitioner,

169 vs.

Ray L. Huff, General Superintendent, Lorton Reformatory, Lorton, Virginia.

ON CONSIDERATION of the motion to substitute Howard B. Gill, present General Superintendent, Lorton Reformatory, in place of Ray L. Huff, as the party respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Albert E. Cash,

Petitioner,

169 vs.

Howard B. Gill, General Superintendent, Lorton Reformatory, Lorton, Virginia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

173 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary, Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

173 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary, Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of a final judgment.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

223 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

223 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of a reviewable judgment of the highest court of the State.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

248 vs.

Bert O. Webb, Superintendent, Washington State Penitentiary at Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

248 vs.

Bert O. Webb, Superintendent, Washington State Penitentiary, at Walla Walla, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Dulaney Mitchell, alias
H. D. Morton,

Petitioner,

185 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

H. Dulaney Mitchell, alias
H. D. Morton,

Petitioner,

185 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Walter Brown,

Petitioner,

199 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Brown,

Petitioner,

299 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

William Buckhalter,

Petitioner,

249 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Buckhalter,

Petitioner,

249 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Walter Turner,

Petitioner,

250 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Turner,

Petitioner,

250 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Albert C. Wood,

Petitioner,

258 vs.

Joseph E. Ragen, Warden, Illinois Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert C. Wood,

Petitioner,

258 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

George Parker,

Petitioner,

327 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Parker,

Petitioner,

327 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Thomas Fife,

Petitioner,

366 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Fife,

Petitioner,

366 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Peter Schroers,

Petitioner,

375 vs.

W. Nierstheimer, Warden of the Illinois State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Peter Schroers,

Petitioner,

375 vs.

W. Nierstheimer, Warden of the Illinois State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Nicholas Cavallucci,

Petitioner,

242 vs.

Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Nicholas Cavallucci,

Petitioner,

242 vs.

Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice.

Ex parte Nicholas Cavallucci,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel H. Foxall,

Petitioner,

252 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Samuel H. Foxall,

Petitioner,

252 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte Samuel H. Foxall,

Petitioner,

—

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Miner,

Petitioner,

284 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sam Miner,

Petitioner,

284 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Miner,

Petitioner,

284 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the application for other relief submitted herein by Sam Miner,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Porter,

Petitioner,

365 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Porter,

Petitioner,

365 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Fred Porter,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Mimee,

Petitioner,

374 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond Mimee,

Petitioner,

374 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Mimee,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Morris,

Petitioner,

407 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Morris,

Petitioner,

407 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Albert Morris,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton Prebyl,

Appellant,

1064 O.T. 1942 vs.

The Prudential Insurance Company of America, et al.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ex parte Allen Dixon,

Petitioner.

---, O.T. 1943.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Burkett Patterson,

Petitioner.

——, O.T. 1943.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northwest Airlines, Inc.,

Petitioner,

33 O.T. 1943. vs.

State of Minnesota.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilma E. Addison, et al.,

Petitioners,

217 O.T. 1943 vs.

Holly Hill Fruit Products, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. D. Lyons,

Petitioner,

433 vs.

The State of Oklahoma.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mario Mercado E. Hijos,

Petitioner,

497 O.T. 1943. vs.

Elvira Olivieri Commins, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

716 O. T. 1943 vs.

Clyde Saylor, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

717 O.T. 1943. vs.

Clarence Poer, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth J. Nelson,

Petitioner,

744 O.T. 1943. vs.

Bert C. Webb, Superintendent, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Valdo B. Schita,

Petitioner,

750 O.T. 1943 vs.

Dr. M. J. Pescor, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Phillips,

Petitioner,

828 O.T. 1943. vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anastasio A. Ylagan,

Petitioner,

940 O.T. 1943 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wm. H. Pitzpatrick,

Petitioner,

948 O.T. 1943 vs.

W. Hierstheimer, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James N. Roney, et al.,

Petitioners,

954 O.T. 1943 vs.

The Federal Land Bank of Louisville, Kentucky.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph W. White, Administrator, etc., et al.,

Petitioners,

961 O.T. 1943 vs.

Sinclair Prairie Oil Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Skelly Oil Company,

Petitioner,

965 O.T. 1943 vs.

Madie Ray Amacker, Individually, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Bank of Middleboro, et al.,

Petitioners,

971 O.T. 1943 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louisville Property Company, et al.,

Petitioners,

972 O.T. 1943 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Pyramid Moving Company,

Appellant,

1018 O.T.1943 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cornelius Bass and Charlie Clark,

Petitioners,

1060 O.T. 1943 vs.

The State of New Hampshire.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Knight,

Petitioner,

1085 O.T. 1943 vs.

The People of the State of California, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mrs. Velma Ford Thompson, Individually, etc.,

Petitioner.

1098 O.T. 1943.

A petition for rehearing having been filed in this case,

the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Jones,

Petitioner.

— O.T. 1943.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Jones,

Petitioner.

— O.T. 1943.

ON CONSIDERATION of the motion of H. Ely Goldsmith for leave to file a petition in aid of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Feldman,

Petitioner,

193 O.T. 1943 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Appellant,

354 O.T. 1943 vs.

South-Eastern Underwriters Association, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

648 O.T. 1943 vs.

D. B. Hellard.

ON CONSIDERATION of the motion of the State of Oklahoma for leave to present oral argument as amicus curiae in support of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

648 O.T. 1943 vs.

D. B. Hellard.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde H. Walker,

Petitioner,

724 O.T. 1943 vs.

P. J. Squier, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It isordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

822 O.T.1943 vs.

Ralph E. Benson, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Henry Long,

Petitioner.

—— O.T.1943.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

984 O.T.1943 vs.

Lillie B. McMillan, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

—— O.T.1943 vs.

Lillie B. McMillan, et al.

ON CONSIDERATION of the petition for removal of the appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hartford-Empire Company, et al.,

Appellants,

vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

vs.

The United States of America;

Glass Containers Association of America, Inc., et al.,

Appellants,

vs.

The United States of America;

Isaac J. Collins,

Appellant,

vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

11 vs.

The United States of America.

Eight hours allowed for oral argument. Reargument commenced by Mr. John T. Cahill for the appellants in No. 2; and continued by Mr. Robert T. Swaine for the appellants in No. 4; by Mr. Boykin C. Wright for the appellants in No. 3; by Mr. Stephen H. Philbin for the appellants in No. 5; by Mr. Lehr Fess for the appellants in No. 7; by Mr. E. W. McCallister for the appellants in No. 8; by Mr. Fred Fuller for the appellants in Nos. 10 and 11; by Mr. Luther Day for the appellants in No. 9; and by Mr. Samuel S. Isseks for the appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that William A. Kessler, Esquire, of Uvalde, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman C. Shelton, It is ordered that Stanley Charles Scanlan, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that John Charles Reid, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Goetz, It is ordered that Dewey A. Dye, Esquire, of Bradenton, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Leward C. Wykoff, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Wm. B. Spivak, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry M. Reed, It is ordered that Wm. J. Walsh, Jr., Esquire, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ernest H. Denicke, et al.,

Petitioners,

155 vs.

The Anglo California National Bank of San Francisco, et al.;

Ernest H. Denicke,

Petitioner,

196 vs.

R. D. Brigham, et al.; and

Mary E. Doble,

Petitioner,

197 vs.

Walter E. Buck, et al.

ON CONSIDERATION of the motion of counsel for the petitioners to withhold the issuance of the orders denying the petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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Hartford-Empire Company, et al.,

Appellants,

vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

vs.

The United States of America;

Glass Containers Association of America, Inc., et al.,

Appellants,

vs.

The United States of America;

Isaac J. Collins,

Appellant,

vs.

The United States of America;
and

T. C. Fulton, et al.,

Appellants,

11 vs.

The United States of America.

Reargument continued by Mr. Samuel S. Isseks for the appellee; by Mr. Assistant Attorney General Cox for the appellee; by Mr. Samuel S. Isseks for the appellee; by Mr. Robert T. Swaine for the appellants in No. 4; by Mr. Boykin C. Wright for the appellants in No. 3; and concluded by Mr. John T. Cahill for the appellants in No. 2; and case submitted by Mr. Ralph Emery for the appellants in No. 6.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sidney J. Watts, It is ordered that Fred Chalmers Houston, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that L. Chester Glaser, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Joseph Gaddis Jeppson, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Wilbur Dale Persch, Esquire, of Peoria, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Randolph Walton, Jr., It is ordered that Richard Lincoln, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Saburo Kido, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Herbert E. Wenig, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin J. Rockwell, It is ordered that Dominick Manoli, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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R. J. Thomas,

Appellant,

14 vs.

H. W. Collins, Sheriff of Travis County, Texas.

Reargued by Mr. Lee Pressman for the appellant; by Mr. Alvin J. Rockwell for the United States, as amicus curiae, by special leave of Court; and by Mr. Pagan Dickson for the appellee.

Fred Toyosaburo Korematsu,

Petitioner,

22 vs.

The United States of America.

Argument commenced by Mr. Wayne M. Collins for the petitioner and continued by Mr. Charles A. Horsky for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul E. Blanchard, It is ordered that B. V. Thompson, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Harold Sheats, It is ordered that Standish Thompson, Esquire of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray C. Wakefield, It is ordered that Stanley Moffatt, Esquire, of Huntington Park, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Carroll Morrissey, It is ordered that Edward M. Hudgins, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that Raymond M. Uhl, Esquire, of Mitchellville, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court,

On motion first made to the Court in this behalf by Mr. Edward W. Shepard, It is ordered that Theodore V. Quarnstrom, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Leland H. Cameron,

Petitioner,

142 vs.

Civil Aeronautics Board.

ON CONSIDERATION of the motion to withhold the order denying the petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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Fred Toyosaburo Korematsu,

Petitioner,

22 vs.

The United States of America.

Argument concluded by Mr. Solicitor General Fahy for the respondent.

Mitsuye Endo,

70 vs.

Milton Eisenhower, Director, etc.

Argued by Mr. James C. Purcell for Endo and by Mr. Solicitor General Fahy for Eisenhower.

William F. Esenwein,

Petitioner,

vs.

Commonwealth, ex rel., May H. Esenwein.

Argument commenced by Mr. Sidney J. Watts for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Harry L. Hall, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence E. Dawson, It is ordered that John A. Christie, Esquire, of Fair Lawn, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that Charles J. Janigian, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Harry M. Leet, Esquire, of Arlington, Commonwealth of Virginia, and Albert A. Spiegel, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Herman Hamel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Riley A. Gwynn, It is ordered that Warren Earl Salin, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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William F. Esenwein,

Petitioner,

20 vs.

Commonwealth, ex rel. May H. Esenwein

Argument continued by Mr. J. Thomas Hoffman for the respondent and concluded by Mr. Sidney J. Watts for the petitioner.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

84 vs.

The State of North Carolina.

Argued by Mr. W. H. Strickland for the petitioners and by Mr. Hughes J. Rhodes for the respondent.

Jim Skidmore, et al.,

Petitioners,

12 vs.

Swift & Company.

Argued by Mr. R. Curtis McBroom for the petitioners and by Mr. Beverly Thompson for the respondent.

Armour and Company,

Petitioner,

73 vs.

Adam Wantock and Frank Smith.

Argued by Mr. Paul E. Blanchard for the petitioner and by Mr. Ben Meyers for the respondents.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Cecelia Helen Goetz, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that A. Morris Mobrick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Elliot S. Blakesley, Esquire, of Hartford, State of Connecticut; Irving S. Shapiro, Esquire, of Minneapolis, State of Minnesota; and Logan J. Lane, Jr., Esquire, of Wellington, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Mason, It is ordered that Duward C. Staley, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that Patrick Henry Ford, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney Isaacs, It is ordered that Charles Watson Hover, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney Isaacs, It is ordered that Frank M. Gusweiler, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacques P. Adoue, It is ordered that Murray Christian, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Eugene Orton Monnet, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Marvin Smith, It is ordered that Alfred J. Westberg, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Paul Bellenger,

Petitioner.

ON CONSIDERATION of the application submitted herein by Paul Bellenger,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virgil B. McMillan,

Petitioner,

--- vs.

The United States.

ON CONSIDERATION of the application submitted herein by Virgil B. McMillan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Clarence B. Bernard,

Petitioner.

ON CONSIDERATION of the application submitted herein by Clarence B. Bernard,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Albert W. Krause,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil L. Wright,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED bb this Court that the said motion be, and the same is heroby, denied.

Per Mr. Chief Justice Stone.

Ex parte Karl Klein,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles E. Schramm,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Phillip Wallace and
Frank Butler,

Petitioners.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In re Complaint of Ward M. Blanton.

ON CONSIDERATION of the complaint submitted by Ward M. Blanton,

IT IS ORDERED by this Court that the said complaint be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

In re Petition for Rule to Show
cause of Ward M. Blanton.

ON CONSIDERATION of the petition for rule to show cause submitted by Ward M. Blanton,

IT IS ORDERED by this Court that the said petition for rule to show cause be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alvin Scheib,

Petitioner,

vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari or habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman Baker,

Petitioner,

vs.

The United States of America.

ON CONSIDERATION of the petition dated October 5, 1944, submitted herein by Norman Baker,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Robert Hadley,

Petitioner,

vs.

The United States.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John A. Evans,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus or habeas corpus herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Edwin K. Atwood,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus, prohibition, or certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond O. DeMaurez,

Petitioner,

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vs.

P. J. Squier, Warden.

ON CONSIDERATION of the motion for appointment of counsel in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ann H. P. Kent, for and on Behalf of Tyler Kent,

Petitioner.

ON CONSIDERATION of the motion for the issuance of a subpoena herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ann H. P. Kent, for and on Behalf of Tyler Kent,

Petitioner.

ON CONSIDERATION of the motion for oral argument on the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ann H. P. Kent, for and on Behalf of Tyler Kent,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming, et al.

The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 16, next.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

9, Original vs.

The State of Indiana, et al.

ON CONSIDERATION of the motion of the American Maize Products Company to dismiss its cross claims in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America, et al.;

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

ON CONSIDERATION of the motion to strike the brief of the United States in No. 351,

IT IS ORDERED by this Court that the said motion be, and the

same is hereby, denied with leave to petitioner to reply thereto within 30 days. Leave is granted petitioner to file replies to any briefs which may be filed hereafter on behalf of the respondents within 20 days after service.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Charleston Federal Savings & Loan Association, et al.,

Appellants,

400 vs.

George P. Alderson, State Tax Commissioner of West Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

Roscoe A. Coffman,

Appellant,

485 vs.

Federal Laboratories, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. The motion advance is granted and the case is transferred to the summary docket and assigned for argument immediately following No. 71 which is also transferred to the summary docket.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Order allowing certiorari.

Petitioner,

354 vs.

Elliott H. Wheeler, et al., Executors of the Estate of John H. Wheeler, Deceased, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Precision Instrument Manufacturing Company, Kenneth H. Larson and Snap-on Tools Corporation, Order allowing certiorari.

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ex parte Harry C. Alberts,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Union of Mine,
Mill, and Smelter Workers,
Locals No. 15, et al., etc.,

Petitioners,

337 vs.

Eagle-Picher Mining and Smelting
Company, et al.

ON CONSIDERATION of the motion for leave to proceed on an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

International Union of Mine,
Mill, and Smelter Workers,
Locals No. 15, et al., etc.,

Petitioners,

337 vs.

Eagle-Picher Mining and Smelting
Company, et al.

ON CONSIDERATION of the motion for leave to file brief of the Congress of Industrial Organizations as amicus curiae herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

International Union of Mine,
Mill and Smelter Workers, Locals
No. 15, et al., etc.,

Petitioners,

337 vs.

Eagle-Picher Mining and Smelting
Company, Eagle-Picher Lead Company
and National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Gemsco, Inc., et al., Petitioners, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

368 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ and the case is advanced and assigned for argument on Monday, December 4th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mildred Maretzo, et al., Petitioners, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

369 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ and the case is advanced and assigned for argument on Monday, December 4th next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Joseph Guiseppi, et al., Petitioner, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

370 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ and the case is

advanced and assigned for argument on Monday, December 4th next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner,

371 vs.

John H. Smith.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Richard Rice, Petitioner,

391 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard Rice, Petitioner,

391 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, at Lancaster, Lancaster County, Nebraska.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Nebraska is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

John W. Roxborough, Petitioner,

98 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett I. Watson, Petitioner,

99 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shreveport Engraving Company, Inc., Petitioner,

321 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carroll Franklin Johnston, an Infant by Rebecca L. German, His Next Friend and Guardian, et al., Petitioners,

338 vs.

W. F. Johnston, Mamie L. Johnston, et al.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Honorable Francis G. Caffey, Judge of the District Court of the United States for the Southern District of New York, et al., Petitioners,

361 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hirsch Improvement Company,
Petitioner,
362 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abert Herman Nelson,
Petitioner,
372 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jeremiah J. Sullivan, alias Jerry Sullivan,
Petitioner,
381 vs.
The People of the State of New York.

On petition for writ of certiorari to the Court of Special Sessions, County of New York, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Special Sessions, County of New York, State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Brandeis & Sons,
Petitioner,
385 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In the Matter of Hulon Capshaw, an Attorney,
Petitioner.
386

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Union Dime Savings Bank,
Petitioner,
387 vs.
Ira Adams, Clifford Gregory, Cecil Hunt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Scott M. Loftin and John W. Martin, as Trustees of Florida East Coast Railway Company,

Petitioners,

390 vs.

Christine Deal.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Pape,

Petitioner,

393 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Personal Finance Company of Kentucky,

Petitioner,

395 vs.

Rufus Harold Hadden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northern Pacific Railway Company, Petitioner,

396 vs.

Kreeda Bimberg, Special Administratrix of the Estate of Clifford Bimberg.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Fairmont Creamery Company, Petitioner,

399 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Owen A. Frank and Dorothea Frank, Petitioners,

402 vs.

The County of Scotts Bluff, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary C. Roberts, Administratrix, et al.,
Petitioners,
152 vs.
United Fisheries Vessels Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that the petition for certiorari should be granted.

William F. Herron,
Petitioner,
291 vs.
The State Bar of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for failure to comply with the rules.

Per Mr. Chief Justice Stone.

Louis Parisi,
Petitioner,
117 vs.
The People of the State of New York.

On petition for writ of certiorari to the Court of General Sessions of New York County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of General Sessions of New York County, State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the cause is moot.

Per Mr. Chief Justice Stone.

Harry W. Avance,

Petitioner,

324 vs.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

Parke, Austin & Lipscomb, Inc., Smithsonian Institution Series, Inc., Alfred Monett, etc., et al.,

Petitioners,

392 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Ralph Stonebreaker,

Petitioner,

136 vs.

W. Frank Smyth, Superintendent of the Virginia State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ralph Stonebreaker,
Petitioner,
136 vs.
W. Frank Smyth, Superintendent of the Virginia State Penitentiary.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Orville Couchois,
Petitioner,
178 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Orville Couchois,
Petitioner,
178 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carl Woodward,

Petitioner,

339 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED bb this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carl Woodward,

Petitioner,

339 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Monroe D. Neely,

Petitioner,

341 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Monroe D. Neely,
Petitioner,
341 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,
Petitioner,
447 vs.
Temple Baptist Church, a Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,
Petitioner,
447 vs.
Temple Baptist Church, a Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States, ex rel. Fred Singer,

Petitioner,

458 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

United States, ex rel. Fred Singer, Petitioner,

458 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Dobry,

Petitioner,

477 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Dobry,

Petitioner,

477 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Adrian C. Taylor,

Petitioner,

233 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Adrian C. Taylor,

Petitioner,

233 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the case is moot.

Per Mr. Chief Justice Stone.

Tommy Nelson,

Petitioner,

394 vs.

Commonwealth of Kentucky.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Tommy Nelson,

Petitioner,

394 vs.

Commonwealth of Kentucky.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Rudolph R. Malleck,

Petitioner,

453 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rudolph R. Malleck,

Petitioner,

453 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Rudolph Pisani,

Petitioner,

457 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary at Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Rudolph Pisani,

Petitioner,

457 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary at Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Isaac Packwood,

Petitioner,

476 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Isaac Packwood,

Petitioner,

476 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

William Johnson,

Petitioner,

492 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Johnson,

Petitioner,

492 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The Mercoid Corporation,

Petitioner,

54 vs.

Mid-Continent Investment Company, et al.; and

The Mercoid Corporation,

Petitioner,

55 vs.

Mid-Continent Investment Company, et al.

ON CONSIDERATION of the motion to clarify and correct the opinion and mandates in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hudson & Manhattan Railroad Company,

Appellant,

766 vs.

City of Jersey City, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Leland H. Cameron,

Petitioner,

142 vs.

Civil Aeronautics Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, October 25, until Monday, November 6, next.

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The United States,

Petitioner;

431 vs.

Joseph H. Beuttas, et al.

ON CONSIDERATION of the motion to extend the time within which counsel for respondent may file a brief in opposition to the petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including November 13th, next.

Per Mr. Chief Justice Stone.

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E. Jack Smith, et al.,
partners, etc.,

Petitioners,

23 vs.

Comer Davis, et al., etc.

Argued by Mr. Ben H. Sullivan for the petitioners and by Mr. W. S. Northcutt for the respondents. Counsel are requested to file within two weeks briefs upon the questions whether 31 U.S.C., sec. 742, is applicable to the obligation here involved, and if so applicable whether there is constitutional authority for the enactment. The Solicitor General is requested to file, as amicus curiae, a brief on these questions within two weeks. Leave is granted to all parties to file replies to the briefs above requested within one week after the service of such briefs if they are so advised.

Allen Pope,

Petitioner,

26 vs.

The United States.

Argued by Mr. George R. Shields for the petitioner and by Mr. Assistant Attorney General Shea for the respondent.

Carolene Products Company, et al.,

Petitioners,

21 vs.

The United States of America.

Argument commenced by Mr. Samuel H. Kaufman for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Walter G. Moyle, It is ordered that Parnell Black, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Goodell Jennings, It is ordered that William Patrick O'Neil, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Thomas N. Cook, Esquire, of Chicago, State of Illinois, and Kenneth L. Richmond, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Clint W. Hager, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Carolene Products Company, et al.,

Petitioners,

21 vs.

The United States of America.

Argument continued by Mr. Samuel H. Kaufman for the petitioners; by Mr. Chester T. Lane for the respondents; and concluded by Mr. Samuel H. Kaufman for the petitioners.

The Sage Stores and Carolene Products Company,

Petitioners,

34 vs.

The State of Kansas, ex rel. A. B. Mitchell (substituted as Attorney General).

Argued by Mr. Samuel H. Kaufman for the petitioner, Carolene Products Co.; by Mr. Thomas M. Lillard for the petitioner, The Sage Stores Co.; and by Mr. C. Glenn Morris for the respondent.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

27 vs.

Helmerich & Payne, Inc.

Argued by Mr. Irving J. Levy for the petitioner, and by Mr. Eugene O. Monnet for the respondent.

Victor J. Herb,

Petitioner,

24 vs.

Norman B. Pitcairn, et al., etc.; and

Benjamin F. Belcher,

Petitioner,

25 vs.

Louisville and Nashville Railroad Company.

Argument commenced by Mr. Roberts P. Elam for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James P. Kemp, It is ordered that Robt. B. Short, Esquire, of Newton, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts P. Elam, It is ordered that Robert V. Niedner, Esquire, of Saint Charles, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that James P. Hill, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Donner, It is ordered that Hyman N. Glickstein, Esquire, of New York, State of New York, and Max M. Solomon, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Way, It is ordered that Tyree C. Derrick, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel I. Abella, It is ordered that Sotero H. Laurel, Esquire, of Manila, Philippine Islands, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Victor J. Herb,

Petitioner,

24 vs.

Norman B. Pitcairn, et al., etc., and

Benjamin F. Belcher,

Petitioner,

25 vs.

Louisville and Nashville Railroad Company.

Argument continued by Mr. Roberts P. Elam for the petitioners and concluded by Mr. Bruce A. Campbell for the respondents.

James Karl Muschany and Vera Muschany,

Petitioners,

31 vs.

The United States of America; and

William M. Andrews and Bertha L. Andrews,

Petitioners,

32 vs.

The United States of America.

Argued by Mr. William R. Gentry for the petitioners in No. 31; by Mr. Samuel M. Watson for the petitioners in No. 32; and by Mr. Paul A. Freund for the respondent. Leave granted petitioners to file a reply brief within one week.

Commissioner of Internal Revenue,

Petitioner,

33 vs.

C. C. Harmon.

Argument commenced by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Carroll L. Reedy, It is ordered that Jeff Busby, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick H. Wagener, It is ordered that George E. Mickel, Esquire, of Omaha, State of Nebraska, and Lewis C. Magnuson, Esquire, of Oshkosh, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Cassidy, Jr., It is ordered that George Washington Sandlin, Esquire, of Old Fort, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that Morris M. Friedland, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Moss, It is ordered that Joseph L. Eggum, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Commissioner of Internal Revenue,

Petitioner,

33 vs.

C. C. Harmon.

Argument continued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the petitioner; by Mr. L. Karlton Mosteller for the respondent and concluded by Mr. Villard Martin for the respondent.

Wilson McCarthy and Henry Swan,
Trustees, etc., et al.,

Petitioners,

41 vs.

E. E. Bruner.

Argued by Mr. W. Q. Van Cott for the petitioners and by Mr. Parnell Black for the respondent.

Claridge Apartments Company,

Petitioner,

28 vs.

Commissioner of Internal Revenue; and

Claridge Apartments Company,

Petitioner,

29 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. John E. Hughes for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Challen B. Ellis, It is ordered that James Joseph Noble, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick H. S. Morrison, It is ordered that Michael F. McDonald, Esquire, of Wilkes-Barre, Commonwealth of Pennsylvania, and John W. Bodine, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mills Hitchin, It is ordered that Hunter Martin, Esquire, of Lenoir, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray P. Bland, It is ordered that Richard Deering Case, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold

Irving Baynton, It is ordered that Erving Nielsen, Esquire, of Dearborn, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert V. Massey, Jr., It is ordered that Stephen Holbrook Beach, Esquire, of Detroit, State of Michigan, and Herbert H. Ferguson, Esquire, of York, State of South Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that John William Steen, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Dobson Miller, It is ordered that E. C. Hartman, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Claridge Apartments Company,

Petitioner,

28 vs.

Commissioner of Internal Revenue;
and

Claridge Apartments Company,

Petitioner,

29 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. John E. Hughes for the petitioner; by Mr. Chester T. Lane for the respondent; and concluded by Mr. John E. Hughes for the petitioner.

M. Claude Screws, et al.,

Petitioners,

42 vs.

The United States of America.

Argued by Mr. James F. Kemp for the petitioners and by Mr. Solicitor General Fahy for the respondent.

Michael F. McDonald,

Petitioner,

36 vs.

Commissioner of Internal Revenue.

Argued by Mr. Frederick E. S. Morrison for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

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Proclamation being made the Court is adjourned until Monday, October 23, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel A. Weiss, It is ordered that Raphael J. Hopkins, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens. It is ordered that Marvin P. Norfleet, Esquire, of Forrest City, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff. It is ordered that Samuel S. Allan, Esquire, of New York, State of New York, and Seymour D. Altmark, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Kent Allen, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin T. Rauber, It is ordered that Leonard G. Brown, Esquire, of Orange, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Lane, It is ordered that Edward J. Brown, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Lichtenberg, It is ordered that Harry N. Reizes, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Wilson, It is ordered that Pike Hall, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph L. Borda, It is ordered that George B. Thompson, Esquire, of Morganfield, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Marshall Littlepage, It is ordered that O. H. Speciale, Esquire, of San Jose, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Alex Mathews, It is ordered that William R. Hulsy, Esquire, of Bakersfield, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that James M. McInerney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis W. Petteway, It is ordered that Geo. L. Patten, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Hadley, It is ordered that Isaac C. Orr, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that J. Nelson Truitt, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that John J. Hamlyn, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reed T. Rollo, It is ordered that Leander King Vermille, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte William Meyer,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Ex parte Richard P. Allen,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Rudolph Dreksler,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Rudolph Dreksler,

Petitioner,

Treating the habeas corpus papers submitted herein as a petition for writ of certiorari,

ON CONSIDERATION WHEREOF, It is ordered by this Court that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Marshall Clark,

Petitioner,

ON CONSIDERATION of the application submitted herein by Marshall Clark,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Ex parte William Stafford,

Petitioner,

ON CONSIDERATION of the application submitted herein by William Stafford,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas M. Bugg, Sr.,

Petitioner,

--- vs.

The United States.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

17 vs.

Crescent Amusement Company, et al.;

The United States of America,

Appellant,

18 vs.

Crescent Amusement Company, et al.;
and

Crescent Amusement Company, et al.,

Appellants,

19 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file brief of Independent Motion Picture Producers as amicus curiae,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Allen Pope,

Petitioner,

26 vs.

The United States.

ON CONSIDERATION of the motion of John W. Cragun for leave to file brief as amicus curiae,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States,

Appellant,

424 vs.

David McD. Shearer.

ON CONSIDERATION of the motion to extend the time for filing the statement of points to be relied upon and designation of parts of the record to be printed in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

532 vs.

David McD. Shearer.

ON CONSIDERATION of the motion to use the printed record in case No. 424 on the application for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Owen N. Price, Trustee for Bondholders of the Western Tool Manufacturing Co., et al.,

Petitioners,

410 vs.

James G. Gurney, Individually and on Behalf of Other Shareholders of the Western Tool & Manufacturing Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Daniel K. Catlin, et al., as Trustees Under Deed Dated February 1, 1921, et al.,

Petitioners,

419 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Puerto Rico Cement Corporation,

Petitioner,

232 vs.

Royal Indemnity Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lorraine Wilson and Huldah Diekmann,

Petitioners,

262 vs.

Van Vechten Shaffer, Don Barnes, Arthur Barlow, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The George W. Luft Company, Inc.,

Petitioner,

347 vs.

Zande Cosmotic Co., Inc. and Aristides Tsirkas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederic W. Proctor,

Petitioner,

376 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Maher,
Petitioner,
403 vs.
The State of Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. D. Witter and J. Marshall Peer,
Petitioners,
404 vs.
G. J. Nikolas, G. J. Nikolas & Company, Inc. and Harry Foote, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Marshall Peer and W. D. Witter,
Petitioners,
405 vs.
G. J. Nikolas, G. J. Nikolas & Company, Inc. and Harry Foote, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Marshall Peer and W. D. Witter, Petitioners,
406 vs.
G. J. Nikolas, G. J. Nikolas & Company, Inc. and Harry Foote, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clover Splint Coal Co., Inc., Petitioner,
408 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason, Petitioner,
411 vs.
El Dorado Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,
Petitioner,
412 vs.
Glenn-Colusa Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dixie Greyhound Lines, Inc., et al.,
Petitioners,
413 vs.
Lamar C. Atkinson and Ross R. Barnett.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Consolidated Realty Corporation, et al.,
Petitioners,
414 vs.
Edwin B. Meredith, et al., Constituting the Bondholders' Protective Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Wanger Pictures, Inc.,
Petitioner,
415 vs.
Ethel Strickland Rogan, as Executrix of the Estate of Nat Rogan, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francice Netcher,
Petitioner,
418 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States, ex rel. Robert E. Lee Jordan,
Petitioner,
423 vs.
Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lucius Powers and W. E. Urick,
Petitioners,
425 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Baker Oil Tools, Inc., Reuben C. Baker and T. Sutter,
Petitioners,
434 vs.
Erd V. Crowell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mutual Life Insurance Company of New York,
Petitioner,
435 vs.
Minnie L. B. Hamilton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bolivian International Mining Corporation,

Petitioner,

436 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. A. Roschek,

Petitioner,

437 vs.

Stella E. Williamson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Portland General Electric Company,

Petitioner,

314 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Alpine MacGregor,
Petitioner,
373 vs.
Westinghouse Electric & Manufacturing Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

George A. Ball,
Petitioner,
426 vs.
H. Earl Cook, Superintendent of Banks of the State of Ohio in Charge of the Liquidation of the Union Trust Company, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

George and Frances Ball Foundation,
Petitioner,
427 vs.
H. Earl Cook, Superintendent of Banks of the State of Ohio in Charge of the Liquidation of the Union Trust Company, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this

William M. Lindenfeld,

Petitioner,

261 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William M. Lindenfeld,

Petitioner,

261 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Eula May Walton, as Administratrix of the Estate of Fred Walton, Deceased,

Petitioner,

432 vs.

Southern Package Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Eula May Walton, as Administratrix of the Estate of Fred Walton, Deceased,

Petitioner,

432 vs.

Southern Package Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Japeth Simeon,

Petitioner,

521 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Japeth Simeon,

Petitioner,

521 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Van Pelt,

Petitioner,

522 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Van Pelt,

Petitioner,

522 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Thomas,

Petitioner,

544 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Thomas,

Petitioner,

544 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Sullivan,

Petitioner,

545 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Sullivan,

Petitioner,

545 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett Ross,

Petitioner,

546 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Everett Ross,

Petitioner,

546 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Diekelmann,

Petitioner,

547 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul Diekelmann,

Petitioner,

547 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifford Rose,

Petitioner,

549 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clifford Rose,

Petitioner,

549 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stephen Devera,

Petitioner,

550 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stephen Devera,

Petitioner,

550 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold Jackson,

Petitioner,

555 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harold Jackson,
Petitioner,
555 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond O. DeMaurez,
Petitioner,
601 vs.
P.J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond O. DeMaurez,
Petitioner,
601 vs.
P.J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George H. Gibson,

Petitioner,

454 vs.

Archibald K. Gardner, United States Circuit Judge, Eighth Judicial Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George H. Gibson,

Petitioner,

454 vs.

Archibald K. Gardner, United States Circuit Judge, Eighth Judicial Circuit.

On petition for writ of certiorari to the District Court of the United States for the Southern District of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Southern District of Iowa, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of jurisdiction.

Per Mr. Chief Justice Stone.

William Monroe,

Petitioner,

505 vs.

The New York State Parole Board, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Monroe,
Petitioner,
505 vs.
The New York State Parole Board, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Luther Sain,
Petitioner,
517 vs.
Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Luther Sain,
Petitioner,
517 vs.
Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, November 6,

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harold R. Medina, It is ordered that John McKim Minton, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Marcel Mallet-Prevost, Esquire, of Washington, District of Columbia; Richard L. Levy, Esquire, of Philadelphia, Commonwealth of Pennsylvania; and C. Parker Breese, Jr., Esquire, of Norfolk, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that I. Henry Kutz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Ayers, It is ordered that Oliver Bassuener, Esquire, of Sheboygan, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Max Freund, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Freund, It is ordered that William F. Reugust, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that Elton M. Nyder, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard S. LeRoy. It is ordered that W. Hobart Little, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. F. Camalier, It is ordered that John S. Murphy, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that William T. Jobe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harlan Wood, It is ordered that David R. Wolverton, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that William Williamson, Esquire, of Pierre, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kratz, Jr., It is ordered that Joseph H. Mueller, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Daly, It is ordered that John B. Barker, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. White, It is ordered that Milton K. Eckert, Esquire, of Washington, District of Columbia; Bernard G. Ostmann, Esquire, of Washington, District of Columbia; and Joseph M. Jones, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Lloyd Buchanan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nicholas J. Chase, It is ordered that Frank J. DiSesa, Esquire, of Stamford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Carr Ferguson, It is ordered that Joseph W. Wyatt, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley I. Posner, It is ordered that Isidore Goodman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Harry T. Gray, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

27 vs.

Helmerich & Payne, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Carolene Products Company, Charles Hauser and William H. Hartke,

Petitioners,

21 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of West Virginia.

Per Mr. Justice Reed.

Mr. Justice Black and Mr. Justice Douglas concur in the result.

The Sage Stores Company and Carolene Products Company,

Petitioners,

34 vs.

The State of Kansas, ex rel. A. B. Mitchell (Substituted as Attorney General.)

On writ of certiorari to the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Black and Mr. Justice Douglas concur in the result.

Elbridge Gerry Bates,

Petitioner,

92 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elbridge Gerry Bates,

Petitioner,

92 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be,

and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Allen Pope, Petitioner, vs. The United States. On writ of certiorari to the Court of Claims.

26

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The State of Georgia, Complainant, vs. The Pennsylvania Railroad Company, et al. ——, Original

A rule is ordered to issue, returnable December 11th next, requiring the defendants to show cause why leave to file the amended bill of complaint should not be granted. The cause is set for hearing on the return to the rule to show cause and assigned for argument on January 2, 1945.

Per Mr. Chief Justice Stone.

In the Matter of the Disbarment
of Hulon Capshaw,

It appearing from the record in the case of In the Matter of Hulon Capshaw, an Attorney, No. 386, October Term, 1944, that Hulon Capshaw, of New York City, New York, a member of the Bar of this Court, has been disbarred from the practice of the law in the courts of the State of New York,

IT IS ORDERED that the said Hulon Capshaw be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within (40) days requiring the said Hulon Capshaw to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

Ex parte Percy Arthur Whistler,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mike Marvich,

Petitioner,

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vs.

People of the State of California.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. C. Curley,

Appellant,

—— vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to docket this cause and file the record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that it appears from the papers presented that if the cause were docketed the appeal would have to be dismissed for want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Anastasio A. Ylagan,

Petitioner,

940 O.T. 1943 vs.

The United States.

ON CONSIDERATION of the application submitted herein by Anastasio A. Ylagan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerhard Wilhelm Kunze, et al.,

Petitioners,

44 vs.

The United States of America.

ON CONSIDERATION of the motion of John F. X. Finn for leave to file a brief as amicus curiae and of the motion for leave to present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the motion for leave to file brief as amicus curiae be, and the same is hereby, granted, and that the motion for leave to present oral argument be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

17 vs.

Crescent Amusement Company, et al.;

The United States of America,

Appellant,

18 vs.

Crescent Amusement Company, et al.;
and

Crescent Amusement Company, et al.,

Appellant,

19 vs.

The United States of America.

ON CONSIDERATION of the petition for reconsideration of the motion for leave to file the brief of The Society of Independent Motion Picture Producers as amicus curiae in these cases,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that the petition should be granted.

Willard Irwin Singer, et al.,

Petitioners,

30 vs.

The United States of America.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Southern Pacific Company,

Appellant,

56 vs.

State of Arizona ex rel. Joe Conway, Attorney General of the State of Arizona.

ON CONSIDERATION of the motion of the Solicitor General of the United States for leave to appear and present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

448 vs.

Hancock Truck Lines, Inc.; and

Regular Common Carriers Conference of the American Trucking Associations, Inc.,

Appellant,

449 vs.

Hancock Truck Lines, Inc.

The statements of jurisdiction in these cases having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the cases on the merits.

Per Mr. Chief Justice Stone.

Interstate Commerce Commission, et al.,

Appellants,

507 vs.

Harry A. Parker, Doing Business as Parker Motor Freight, et al.; and

The United States of America,

Appellant,

508 vs.

Harry A. Parker, Doing Business as Parker Motor Freight, et al.

The statement of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Republic of Mexico and the Steamship "Baja California" by the Republic of Mexico, as Owner,

Petitioners,

455 vs.

R. B. Hoffman.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Special Equipment Company,

Petitioner,

469 vs.

Conway P. Coe, Commissioner of Patents.

Order allowing certiorari.

The petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

The Hoover Company, Petitioner, — Order allowing certiorari.

486 vs.

Conway P. Coe, Commissioner of Patents.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, — Order allowing certiorari.

495 vs.

Commodore Park, Incorporated.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Brooklyn Savings Bank, Petitioner, — Order allowing certiorari.

445 vs.

William J. O'Neil.

The petition herein for a writ of certiorari to the Court of Appeals of the State of New York is granted limited to the second question presented by the petition for the writ and the case is transferred to the summary docket. The Solicitor General is invited to file a brief amicus curiae if so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

National Labor Relations Board, Petitioner, vs. Le Tourneau Company of Georgia. — Order allowing certiorari.

452

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case transferred to the summary docket and assigned for argument immediately following No.226 which is also transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Arsenal Building Corporation and Spear & Co., Inc., Petitioners, vs. Meyer Greenberg, Suing on Behalf of Himself and Other Employees and Former Employees of Defendants Similarly Situated. — Order allowing certiorari.

421

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to question (h) presented by the petition for the writ and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. F. Fitzgerald Construction Company,

Petitioner,

462 vs.

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, limited to the second question presented by the petition for the writ and the case is transferred to the summary docket and assigned for argument immediately following No. 421. The Solicitor General is invited to file a brief amicus curiae in this case and in No. 421 if so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Herbert Mezo,

Petitioner,

409 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Colacicco,

Petitioner,

420 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Houbigant, Inc., Cheramy, Inc., and Houbigant Sales Corporation,

Petitioners,

438 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Salt River Valley Waters Users' Association,

Petitioner,

439 vs.

Charles F. Reynolds, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ida Guss,

Petitioner,

441 vs.

Lillian Easton Lastrap, Individually and as Administratrix of the Estate of Lucius Joseph Lastrap, Jr., Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aron Rosensweig and Abe Rosensweig,
Petitioners,
442 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Intercounty Operating Corporation and Salonga Farms, Inc.,
Petitioners,
443 vs.
The County of Nassau.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The City National Bank and Trust Company, Trustee, Under Trust Agreement with Hamilton Depositors, etc.,
Petitioner,
451 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Clyde Helton, Petitioner,
459 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Acme Brewing Co., Petitioner,
460 vs.
Clifford C. Anglim, Collector of Internal Revenue for the First District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith G. Goldwasser, Petitioner,
463 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Interstate Motor Freight System, Petitioner, vs. Mary Matilda Dubrock, Surviving Wife of Levi Frederick Dubrock, Deceased, etc.

464

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Skinner Manufacturing Company, Petitioner, vs. Kellogg Sales Company.

465

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Skinner Manufacturing Company, Petitioner, vs. General Food Sales Company, Inc.

466

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of John S. Garrett, Jr., Deceased, Bankrupt, by Louise A. Nelson Garrett, etc.,

Petitioner,

467 vs.

Reynold H. Greenberg, Trustee of Estate of John S. Garrett, Jr., Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Debs Memorial Radio Fund, Inc., and Henry Greenfield,

Petitioners,

468 vs.

Associated Music Publishers, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hoskyn & Co., Inc., et al.,

Petitioners,

428 vs.

Silver Line, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Standard Electric Corporation, et al.,
Petitioners,
429 vs.
Silver Line, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

China General Edison Co., Inc.,
Petitioner,
430 vs.
Silver Line, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. B. Gochenour, Meyer Abrams, Harry J. Meyerson, et al., etc.,
Petitioners,
471 vs.
The Cleveland Terminals Building Company, Frederick L. Leckie, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Galland-Henning Manufacturing Company,

Petitioner,

472 vs.

Logemann Brothers Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pete Jones,

Petitioner,

474 vs.

James H. Patterson, United States Marshal for the Territory of Alaska, Third Division, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Penfield Company of California,

Petitioner,

475 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin Kahner,

Petitioner,

478 vs.

State of Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. H. B. Fuston and State of Oklahoma on Relation of the Commissioners of the Land Office of said State,

Petitioners,

480 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Safeway Stores, Incorporated (Maryland), Sutter Packing Company, Arizona Grocery Company,

Petitioners,

481 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph T. Waters, Petitioner,
487 vs.
Kings County Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jamison Coal and Coke Company, Petitioner,
489 vs.
Kate B. Goltra and E. Field Goltra, Jr., Executors of the Estate of Edward P. Goltra, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bert Erdman, Petitioner,
490 vs.
The United States of America, American Line Steamship Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward J. Gay Planting & Manufacturing Co., Inc.,

Petitioner,

491 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Idaho Potato Growers, Inc., W. P. Wilson, L. S. Taube, et al.,

Petitioners,

493 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Adams,

Petitioner,

494 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rowena Thornton,
Petitioner,
497 vs.
City of Portland, Oregon.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil J. Sonderlick,
Petitioner,
498 vs.
Thomas J. Mallinan.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil J. Sonderlick,
Petitioner,
498 vs.
The Emigrant Industrial Savings Bank.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Goldberg,

Petitioner,

440 vs.

Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

The Barnes Foundation,

Petitioner,

488 vs.

Bertrand Russell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Benjamin McNabb, Freeman McNabb, and Raymond McNabb,

Petitioners,

319 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Benjamin McNabb, Freeman McNabb and Raymond McNabb,

Petitioners,

319 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Davidson,

Petitioner,

563 vs.

Arthur A. Bennett, Warden of the Pontiac Branch of the Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Davidson,

Petitioner,

563 vs.

Arthur A. Bennett, Warden of the Pontiac Branch of the Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Israel White,

Petitioner,

564 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Israel White,

Petitioner,

564 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Close,

Petitioner,

565 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Close,

Petitioner,

565 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Russell Gray,

Petitioner,

566 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Russell Gray,

Petitioner,

566 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wallace Phillips,

Petitioner,

571 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wallace Phillips,

Petitioner,

571 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James King,

Petitioner,

572 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James King,

Petitioner,

572 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lionel Conn,

Petitioner,

573 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lionel Conn,

Petitioner,

573 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Adams,

Petitioner,

583 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Adams,

Petitioner,

583 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

—— vs.

Ralph S. Hinman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Celia Strickland, et al.,

Petitioners,

108 vs.

Humble Oil & Refining Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Frank Kuczynski,

Petitioner,

123 vs.

Cra H. Cox, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward R. Handler,

Petitioner,

124 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hanna Furnace Corporation,

Appellant,

132 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey Gilmore Nicholson,

Petitioner,

139 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Clanton Lowery,

Petitioner,

140 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Peitzman (now William A. Riley), et al., etc.,

Petitioners,

172 vs.

City of Illmo, a Municipal Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr., Administrator, c. t. a., etc., et al.,

Petitioners,

177 vs.

Farmers Bank & Trust Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Conrad Marino and Gabriel Viscorito,

Petitioners,

183 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. F. Taylor, et al., as Trustees, etc.,

Appellants,

184 vs.

Mary Emma Payne, as Administratrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary P. Finlayson, et al.,

Appellants,

194 vs.

Town of Monticello, a Municipal Corporation, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stanley Taylor,

Petitioner,

229 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William C. Dennick,

Appellant,

244 vs.

The Miami Savings & Loan Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter A. Leimer,

Petitioner,

256 vs.

Fred B. Hulse, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Arthur Nesselrotte,

Petitioner,

269 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Emanuel Black,

Petitioner,

270 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

North Coast Transportation
Company, et al.,

Appellants,

275 vs.

The United States of America,
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lillian E. Ravenscroft,

Petitioner,

282 vs.

George A. Casey, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Matthew Nowak,

Petitioner,

305 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles D. Offhouse, et al.,

Appellants,

311 vs.

The Board of Education of the City
of Paterson in the County of Passaic.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of
Illinois ex rel. Reconstruction
Finance Corporation, etc., et al.,

Petitioners,

330 vs.

Board of Education of the City of
Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

F. J. Lewis,

Petitioner,

331 vs.

Board of Education of the City
of Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving K. Hutchinson, et al.,

Petitioners,

332 vs.

Board of Education of the City of
Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Steffler,

Petitioner,

357 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Honorable Francis G. Caffey,
Judge, etc., et al.,

Petitioners,

361 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Anthony Cramer,

Petitioner,

13 vs.

The United States of America.

Reargued by Mr. Harold R. Medina for the petitioner and by Mr. Solicitor General Fahy for the respondent. Leave granted petitioner to file a reply brief.

The United States of America,

Appellant,

17 vs.

Crescent Amusement Company, et al.;

The United States of America,

Appellant,

18 vs.

Crescent Amusement Company, et al.;
and

Crescent Amusement Company, et al.,

Appellants,

19 vs.

The United States of America.

Argument commenced by Mr. Assistant Attorney General Berge for The United States and continued by Mr. William Waller for Crescent Amusement Co., et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Morris L. Ernst, It is ordered that Harriet F. Pilpel, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Howard Gwin, It is ordered that Wilhelmina S. Ludwig, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that Harvey M. Black, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Herbert, It is ordered that Aubrey A. Wendt, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther Day, It is ordered that Frederick Woodbridge, Esquire, of Cleveland, State of Ohio, and Curtis Chandler Williams, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Stone, It is ordered that Arthur C. Baker, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron K. Wilson, It is ordered that Frank Marcellino, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that Marcus Cohn, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerhard A. Gesell, It is ordered that Helmer R. Johnson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that William Lloyd Roller, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Howley, It is ordered that Edward W. Haines, Esquire, of Toms River, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Moss, It is ordered that Edwin L. Robinson, Esquire, of Morocco, State of Indiana, and William J. Wertz, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that William C. Dixon, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

17 vs.

Crescent Amusement Company, et al.;

The United States of America,

Appellant,

18 vs.

Crescent Amusement Company, et al.;
and

Crescent Amusement Company, et al.,

Appellants,

19 vs.

The United States of America.

Argument continued by Mr. William Waller for the Crescent Amusement Co. and concluded by Mr. Robert L. Wright for The United States.

Gustav H. Kann,

Petitioner,

35 vs.

The United States of America.

Argued by Mr. Simon E. Sobeloff for the petitioner and by Mr. William A. Paisley for the respondent.

The Hooven & Allison Company,

Petitioner,

38 vs.

William S. Evatt, Tax Commissioner
of Ohio.

Argument commenced by Mr. Luther Day for the petitioner and continued by Mr. Curtis C. Williams, Jr., for the petitioner.

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Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John F. Lillard, It is ordered that Irene Vivian Wright, of Pontiac, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Graham Lee Sterling, Jr., It is ordered that Robert H. Canan, Esquire, of Santa Monico, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newman Alexander Townsend, It is ordered that Sylvan Gotshal, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Minian Beall, It is ordered that Cyril Coleman, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Hooven & Allison Company,

Petitioner,

38 vs.

William S. Evatt, Tax Commissioner of Ohio.

Argument continued by Mr. Curtis C. Williams, Jr., for the petitioner and concluded by Mr. Aubrey A. Wendt for the respondent.

Gath P. Freeman, Trustee, etc.,

Appellant,

40 vs.

Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana.

Argued by Mr. Gath P. Freeman for the appellant and by Mr. Winslow Van Horne for the appellee.

The United States of America,

Appellant,

43 vs.

Margaret M. Johnson, et al., etc.

Argued by Mr. W. Marvin Smith for the appellant and by Mr. H. Albert Young for the appellees.

The Western Union Telegraph Company,

Petitioner,

49 vs.

Katharine F. Lenroot, Chief of The Children's Bureau, United States Department of Labor.

Argument commenced by Mr. Francis R. Stark for the petitioner and continued by Mr. Douglas B. Maggs for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that Orval H. Patterson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley I. Posner, It is ordered that Milton C. Borenstein, Esquire, of Chelsea, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Walter F. Rogers, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Charles Grey Morgan, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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In the Matter of Hulon Capshaw,
an Attorney,

Petitioner.

386

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including November 24, next.

Per Mr. Chief Justice Stone.

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The Western Union Telegraph
Company,

Petitioner,

49 vs.

Katherine F. Lenroot, Chief of
the Children's Bureau, United
States Department of Labor.

Argument continued by Mr. Douglas B. Maggs for the respondent and concluded by Mr. Francis R. Stark for the petitioner.

Stella Barber,

Petitioner,

51 vs.

B. George Barber.

Argued by Mr. C. W. K. Meacham for the petitioner and case submitted by Mr. J. Clifford Curry for the respondent.

Spector Motor Services, Inc.,

Petitioner,

62 vs.

Charles J. McLaughlin, Tax Commissioner, et al.

Argued by Mr. J. Minian Beall and Mr. Cyril Coleman for the petitioner and by Mr. Frank J. Di Sesa for the respondent.

Wilbur V. Keegan,

Petitioner,

39 vs.

The United States of America;

Gerhard Wilhelm Kunze, et al.,

Petitioners,

44 vs.

The United States of America; and

Willard Irwin Singer and Martin H. Singer,

Petitioners,

30 vs.

The United States of America.

Leave granted Mr. William H. Timbers to appear and present oral argument pro hac vice on motion of Mr. John F. X. Finn. Argument commenced by Mr. John F. X. Finn for the petitioners on the consolidated brief in No. 44; continued by Mr. Harold W. Hastings for said petitioners; and by Mr. William H. Timbers for said petitioners, pro hac vice, by special leave of court.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jacob Aronson, It is ordered that Frederick L. Wheeler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Louis S. Weiss, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reginald L. Vaughan, It is ordered that Wyman C. Knapp, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Walker, It is ordered that Cannon B. McMahan, Esquire, of Okmulgee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abram P. Staples, It is ordered that English Showalter, Esquire, of Roanoke, Commonwealth of Virginia, and John B. Spiers, Esquire, of Radford, Commonwealth of

Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Cleveland Hedrick, Jr., It is ordered that Edward A. Sibley, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. McInerney, It is ordered that Peter J. Donoghue, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Hudson & Manhattan Railroad Company,

Appellant,

766 O.T. 1943 vs.

The City of Jersey City, et al.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing on denial of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to December 9, next.

Per Mr. Chief Justice Stone.

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Wilbur V. Keegan,

Petitioner,

39 vs.

The United States of America;

Gerhard Wilhelm Kunze, et al.,

Petitioners,

44 vs.

The United States of America; and

Willard Irwin Singer and Martin H. Singer,

Petitioners,

30 vs.

Argument continued by Mr. William H. Timbers for the petitioners on the consolidated brief in No. 44, pro hac vice, by special leave of court; by Mr. James M. McInerney for the respondent; by Mr. William H. Timbers for the petitioners on the consolidated brief in No. 44, pro hac vice, by special leave of court; by Mr. Harold H. Hastings for said petitioners; and concluded by Mr. John P. X. Finn for said petitioners; and cases submitted by Wilbur V. Keegan, pro se in No. 39; by John C. Fitting, Carl Berg, Martin Ernest Christoph; William C. Kunz, William Ottersbach, Max Rapp, and Louis Schatz, pro se in No. 44; and by Mr. John W. Cragun and Mr. William Stanley for the petitioners in No. 30. Leave granted petitioners in No. 44 to file a reply brief by Thursday next.

The United States of America,

Petitioner,

65 vs.

Waddill, Holland & Flinn, Inc., et al.

Argued by Mr. Paul A. Sweeney for the petitioner and by Mr. Rutledge C. Clement for the respondents.

The Northwestern Bands of Shoshone Indians,

Petitioners,

63 vs.

The United States.

Argument commenced by Mr. Ernest L. Wilkinson for the petitioners.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Vernon L. Wilkinson, It is ordered that Wilma C. Martin, of Pueblo, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

(Miss)

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Vincent John Pugher, Esquire, of Cleveland, State of Ohio, and John Joseph Mahony, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Richard K. Yeamans, Esquire, of Los Angeles, State of California; William P. Morrison, Jr., Esquire, of Oklahoma City, State of Oklahoma; and Jesse R. O'Malley, Esquire, of Brown City, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H.E. Jaeger, It is ordered that Roscoe Cross, Esquire, of Boston, Commonwealth of Massachusetts, and Charles R. Mathis, Jr., Esquire, of Panama City, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester Lane, It is ordered that Philip Mandelman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reed T. Rollo, It is ordered that William Henning Rubin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip J. Hennessey, Jr., It is ordered that Lynn Dale Coffman, Esquire, of Schnectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. A. Macpherson, Jr., It is ordered that W. Howard Mann, Esquire, of Iowa City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Wilson McCarthy and Henry Swan, Trustees of the Denver & Rio Grande Western Railroad Company, et al., Petitioners,

vs.

E. E. Bruner.

On writ of certiorari to the Supreme Court of the State of Utah.

41

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

Scott A. Belden, on Behalf of Himself and all Other Policyholders of the Union Central Life Insurance Company, etc.,

Appellants,

450 vs.

The Union Central Life Insurance Company.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Nathan Koplin, on Behalf of Himself and all Other Policyholders of the Ohio National Life Insurance Company, etc.,

Appellants,

597 vs.

The Ohio National Life Insurance Company.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Guy M. Turner and Frank B. Turner, Doing Business as Turner's Transfer,

Appellants,

473 vs.

The United States of America, et al.

Appeal from the District Court of the United States for the Middle District of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of North Carolina, on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Public Service Commission (State Division of the Department of Public Service of the State of New York), et al.,

Appellants,

479 vs.

The United States of America, The New York Central Railroad Company and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court dated July 17, 1944, be and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Ex parte William Dainard,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dorsey McMahan,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Moskovitz,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William H. Alexander,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Jesse Bowe,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ambassador, Inc., Washington-Annapolis Hotel Company, et al.,

Appellants,

446 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

State of North Carolina, et al.,

Appellants,

560 vs.

The United States of America, et al.; and

Fred M. Vinson, Economic Stabilization Director, et al.,

Appellants,

561 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The State of Alabama and Public Service Commission, et al.,

Appellants,

574 vs.

The United States of America, et al.; and

Fred M. Vinson, Economic Stabilization Director, etc.,

Appellant,

592 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted and the cases are assigned for argument immediately following Nos. 560 and 561.

Per Mr. Chief Justice Stone.

Market Street Railway Company,

Appellant,

510 vs.

Railroad Commission of the State of California, et al.; and

Market Street Railway Company,

Appellant,

511 vs.

Railroad Commission of the State of California, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

Clarence W. Blair,

Petitioner,

265 vs.

Baltimore & Ohio Railroad Company.

ON CONSIDERATION of the motion by petitioner for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Dow Chemical Company,

Petitioner,

50 vs.

Halliburton Oil Well Cementing Company; and

Halliburton Oil Well Cementing Company,

Petitioner,

61 vs.

The Dow Chemical Company.

ON CONSIDERATION of the motion to pass these cases for oral argument until February next,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

M. Claude Screws, Frank Edward Jones, and Jim Bob Kelly,

Petitioners,

42 vs.

The United States of America.

ON CONSIDERATION of the motion of the National Association for the Advancement of Colored People for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred G. Drummond, Petitioner, vs. The United States of America. — Order allowing certiorari.

520

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Frankfort Distilleries, Inc. — Order allowing certiorari.

523

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. National Distillers Products Corporation. — Order allowing certiorari.

524

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Brown Forman Distillers Corporation. Order allowing certiorari.

525

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Hiram Walker, Incorporated. Order allowing certiorari.

526

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Schenley Distillers Corporation. Order allowing certiorari.

527

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Seagram-Distillers Corporation. 528

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. McKesson & Robbins, Incorporated. 529

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. J. E. Speegle. 530

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Panhandle Eastern Pipe Line Company, Illinois Natural Gas Company, et al., — Order allowing certiorari.

Petitioners,

296 vs.

Federal Power Commission, City of Detroit, County of Wayne, Michigan, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, limited to the third question presented by the petition for the writ and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Colorado Interstate Gas Company, — Order allowing certiorari.

Petitioner,

379 vs.

Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted limited to the fifth and sixth questions presented by the petition for the writ. The case is assigned for argument immediately following No. 296.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Canadian River Gas Company, Petitioner,

380 vs.

Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted limited to the eighth question presented by the petition for the writ. The case is assigned for argument immediately following Nos. 296 and 379.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Colorado-Wyoming Gas Company, Petitioner,

575 vs.

Federal Power Commission, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, limited to the seventh question presented by the petition for the writ. The case is transferred to the summary docket and assigned for argument immediately following Nos. 379-380.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

M. C. Garber, Order allowing certiorari.

Petitioner,

518 vs.

Ralph Crews, Charley Crews, Robert Crews, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted limited to the first question presented by the petition for the writ and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

American Power & Light Company, Order allowing certiorari.

Petitioner,

470 vs.

Securities and Exchange Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Estate of Henry W. Putnam, Guaranty Trust Company of New York, Executor, Order allowing certiorari.

Petitioner,

534 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. Elwood Dize, Trading as Dize Box Company,

Petitioner,

554 vs.

Lake Maddrix.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted limited to question 2(d) presented by the petition for the writ and the case is transferred to the summary docket and assigned for argument immediately following No. 445. Counsel are requested to discuss in their briefs and upon oral argument the question whether the validity of the alleged release or accord is governed by federal or by state law. The Solicitor General is invited to file a brief amicus curiae if so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Sewell Hats, Inc.,

Petitioner,

500 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jesse Mitchell, et al., as Members of the State Tax Commission of Missouri, et al., Petitioners, vs. State of Missouri, at the Relation of the Cairo Bridge Commission, a body corporate and politic.

504

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Harry N. Baetjer, et al., Trustees.

509

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cooperstown Corporation, Petitioner, vs. Commissioner of Internal Revenue.

513

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ferdinand W. Roebling, III,
Petitioner,
515 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. E. Munger, Ruth Munger and Florence Cannon Lovell,
Petitioners,
519 vs.
Ralph Crews, Charley Crews, Robert Crews, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clowrene Gentry Hoehn, J. M. Gentry, D. J. Cven and Burchard Denker,
Petitioners,
541 vs.
Ralph Crews, Charley Crews, Robert Crews, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving Air Chute Company, Inc., Petitioner, vs. Commissioner of Internal Revenue.

533

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shepard Benjamin, Petitioner, vs. Joseph Jaspan, as Trustee in Bankruptcy of Shepard Benjamin, Bankrupt.

536

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great American Indemnity Company, Petitioner, vs. Lyman Fleniken, et al.

537

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Montgomery Ward & Co., Incorporated, Petitioner,
538 vs.
National War Labor Board, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifford and Kathryn Goldsmith, Petitioners,
551 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. E. Blatt Company, Petitioner,
553 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Terminal and Shaker Heights Realty Co.,

Petitioner,

496 vs.

Charles L. Bradley and John P. Murphy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph P. Bass,

Petitioner,

542 vs.

Baltimore & Ohio Terminal Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

John Perguson,

Petitioner,

516 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Ferguson,

Petitioner,

516 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Supreme Judicial Court of the State of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the State of Massachusetts, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Custer M. Coyle,

Petitioner,

531 vs.

The People of the State of California, Robert A. Heinze, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Custer M. Coyle,

Petitioner,

531 vs.

The People of the State of California, Robert A. Heinze, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Loren Cleveland,

Petitioner,

621 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Loren Cleveland,

Petitioner,

621 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Roxborough,

Petitioner,

98 vs.

The People of the State of Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett I. Watson,

Petitioner,

99 vs.

The People of the State of Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

248 vs.

Bert O. Webb, Superintendent, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Sandberg, et al.,

Petitioners,

281 vs.

New England Novelty Co., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William P. Herron,

Petitioner,

291 vs.

The State Bar of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shreveport Engraving Company, Inc.,

Petitioner,

321 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Mimee,

Petitioner,

374 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Mimee,

Petitioner.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Brandeis & Sons,

Petitioner,

385 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Morris,

Petitioner,

407 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Albert Morris,

Petitioner,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ann H. P. Kent, for and on behalf of Tyler Kent,

Petitioner.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke and Mary E. Doblo,

Petitioners,

155 vs.

The Anglo California National Bank of San Francisco, et al.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke,

Petitioner,

196 vs.

R. D. Brigham, Walter E. Buck, et al.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary E. Doble,

Petitioner,

197 vs.

Walter E. Buck, R. Stanley Dollar, et al.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest H. Denicke and Mary E. Doble,

Petitioners,

—— vs.

The United States Circuit Court of Appeals for the Ninth Circuit, et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, November 20th, until Monday, December 4, next.

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Harry W. Cline, Trustee in
Bankruptcy of Gold Medal Laundries,
Inc.,

Petitioner,

307 vs.

Arthus S. Kaplan, Harry Kaplin,
et al.

Submitted by Mr. Edward Rothbart for the petitioner and by Mr. Norman H. Nachman for the respondent.

The Northwestern Bands of Shoshone
Indians,

Petitioners,

63 vs.

The United States.

Argument continued by Mr. Ernest L. Wilkinson for the petitioners; by Mr. Robert E. Mulroney for the respondent; and concluded by Mr. Ernest L. Wilkinson for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William S. Hodges, It is ordered that Richard R. Fitzsimmons, Esquire, of Chicago, State of Illinois, and William Douglas Sellers, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Gately, It is ordered that Gerald J. Koptik, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Sophronia Jane Lasica, It is ordered that Helen Sutherland Keeling, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Darius F. Prince, It is ordered that William A. Clineburg, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

Motion for leave to file brief of American Civil Liberties Union, as amicus curiae, submitted by Mr. Geo. S. Elpern in that behalf.

Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, etc., et al.

Motion to dismiss submitted by Mr. Jas. G. Martin for the respondent Norfolk Southern Railway Company. Leave granted to withdraw brief of petitioner on motion of Mr. Charles H. Houston for the petitioner. Argued by Mr. Charles H. Houston for the petitioner; by Mr. Harold C. Heiss for the respondents Brotherhood of Locomotive Firemen and Enginemen, et al.; and by Mr. James G. Martin for respondent Norfolk Southern Railway Company.

Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

Motion for leave to file brief of National Association for the Advancement of Colored People, as amicus curiae, submitted by Mr. Thurgood Marshall in that behalf.

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

Argument commenced by Mr. Charles H. Houston for the petitioner; continued by Mr. James A. Simpson for the respondents Brotherhood of Locomotive Firemen and Enginemen and W. H. Thomas; and by Mr. Charles H. Eyster for the respondent Louisville and Nashville Railroad Co.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that Francis J. Crowley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur G. Klein, It is ordered that Joseph Krimsky, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that Rodham Carroll Routledge, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray P. Bland, It is ordered that William C. Stephens, Esquire, of Centralia, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Donner, It is ordered that Richard Gladstein, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of

On motion first made to the Court in this behalf by Mr. F. Reed Dickerson, It is ordered that Jerome A. Levinson, Esquire, of Minneapolis, State of Minnesota, and Murray Koenig, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip A. Maxeiner, It is ordered that R. Walston Chubb, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Nadine Lane Gallagher, It is ordered that Frances A. Basar, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Alfred A. Green, Esquire, of Daytona Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Neale, It is ordered that Frank Wolf Waikart, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Lucille Pryor, It is ordered that Robert Granville Burke, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Bernard Sclove, It is ordered that Mose E. Boiarsky, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Richard Rice,

Petitioner,

391 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, at Lancaster, Lancaster County, Nebraska.

It is ordered by this Court that Barton H. Kuhns, Esquire, of Omaha, Nebraska, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

Argument continued by Mr. Charles H. Eyster for the respondent Louisville and Nashville Railroad Co., and concluded by Mr. Charles H. Houston for the petitioner.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 vs.

G. W. Burley, et al.

Argued by Mr. Paul R. Conaghan for the petitioner and by Mr. John H. Gately for the respondents.

Order of Railway Conductors of America, H. W. Fraser, as President, etc., et al.,

Petitioners,

200 vs.

The Pennsylvania Railroad Company, et al.

Argued by Mr. Rufus G. Poole for the petitioners; by Mr. Bernard M. Savage for the respondent Brotherhood of Railroad Trainmen; and by Mr. John B. Prizer for the respondent Pennsylvania Railroad Company.

The Wallace Corporation,

Petitioner,

66 vs.

National Labor Relations Board; and

Richwood Clothespin & Dish Workers' Union,

Petitioner,

67 vs.

National Labor Relations Board.

Argument commenced by Mr. R. Walston Chubb for the petitioner in No. 66.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal.
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William P. Scharnikow, It is ordered that Samuel Denson, Esquire, of Hackensack, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that Joseph Mocco, Esquire, of North Bergan, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that Robert E. Flaherty, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel H. Kunkel, It is ordered that Thomas L. Preston, Esquire, of Norfolk, Commonwealth of Virginia and Geo. V. Credle, Jr., Esquire, of Norfolk, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. B. Yadon, Jr., It is ordered that Joseph M. Culp, Esquire, of Ardmore, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry M. Plotkin, It is ordered that Lester W. Spillane, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Wallace Corporation,

Petitioner,

66 vs.

National Labor Relations Board; and

Richwood Clothespin & Dish Workers' Union,

Petitioner,

67 vs.

National Labor Relations Board.

Argument continued by Mr. R. Walston Chubb for the petitioner in No. 66; by Mr. M. E. Boiarsky for the petitioner in No. 67; by Mr. Alvin J. Rockwell for the respondent; and concluded by Mr. R. Walston Chubb for the petitioner in No. 66.

Commissioner of Internal Revenue,

Petitioner,

52 vs.

The Scottish American Investment Company, Limited;

Commissioner of Internal Revenue,

Petitioner,

53 vs.

British Assets Trust, Limited;

Commissioner of Internal Revenue,

Petitioner,

54 vs.

Second British Assets Trust, Limited;

The Scottish American Investment Company, Limited,

Petitioner,

220 vs.

Commissioner of Internal Revenue;

British Assets Trust, Limited,

Petitioner,

221 vs.

Commissioner of Internal Revenue; and

Second British Assets Trust, Limited,

Petitioner,

222 vs.

Commissioner of Internal Revenue.

Argued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue and by Mr. Marion M. Fisher for the Scottish American Investment Co., Limited, et al.

The United States,

Petitioner,

72 vs.

Standard Rice Company, Inc.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. M. K. Eckert for the respondent.

The United States of America,

Petitioner,

76 vs.

General Motors Corporation.

Argument commenced by Mr. Vernon L. Wilkinson for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry O. Levin, It is ordered that Abraham Mitnovetz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

MONDAY, NOVEMBER 21, 1944

No. —. In the Matter of Abraham Albert Minton. The motion to amend the attorney roll to show a change of name of Abraham Mitnovetz to Abraham Albert Minton is granted. Mr. Justice Douglas took no part in the consideration or decision of this application.

On motion first made to the Court in this behalf by Mr. Arthur G. Logan, It is ordered that Harry Newton White, Jr., Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Monroe Oppenheimer, It is ordered that Max C. Nelson, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Talbot McElvenny, It is ordered that John William Christensen, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M. Hebert, It is ordered that George T. Madison, Esquire, of Bastrop, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Frank T. Cullitan, It is ordered that Ralph Wigmore Edwards, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Sparkman, It is ordered that John A. Caddell, Esquire, of Decatur, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence D. Todd, Jr., It is ordered that Perry M. Chadwick, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

76 vs.

General Motors Corporation.

Argument continued by Mr. Vernon L. Wilkinson for the petitioner and concluded by Mr. John Thomas Smith for the respondent.

Otis & Co.,

Petitioner,

81 vs.

Securities and Exchange Commission and the United Light and Power Company.

Argument commenced by Mr. Arthur G. Logan for the petitioner; continued by Mr. Roger S. Foster for the respondent Securities and Exchange Commission; by Mr. Donald R. Richberg for the respondent United Light and Power Company; and concluded by Mr. Robert J. Bulkley for the petitioner.

Jeff Busby and Vernon Lowry,

74 vs.

Electric Utilities Employees Union,
etc.

Argued by Mr. Warren E. Magee for Busby and Mr. John J. Carmody for Electric Utilities Employees Union.

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Proclamation being made the Court is adjourned until Monday, November 20, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Irving Jaffe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Joseph Swan Platt, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. A. Van Orsdel, It is ordered that T. Brooke Price, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Koplovitz, It is ordered that Edwin Grossman, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Abraham J. Harris, Esquire, of Chicago, State of

On motion first made to the Court in this behalf by Mr. George David Schilling, It is ordered that Ulysses Allison Gribble, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Cecelia Helen Goetz, It is ordered that Vincent E. Cucci, Esquire, of New York, State of New York; Reuben B. Shemitz, Esquire, of New York, State of New York; and Sydney Ulysses Craig, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clayton A. Avriott, It is ordered that James Branch Hodges, Esquire, of Lake City, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Moss, It is ordered that Stanley D. Waxberg, Esquire, of New York, State of New York; Herbert B. Lazarus, Esquire, of New York, State of New York; and Stuart E. Lampe, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Norman C. Parker, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Frederick L. Newdick, Esquire, of McArthur, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wallace Haynes Walker, It is ordered that Edward Feldman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Michael F. McDonald,
Petitioner,
36 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Mr. Justice Rutledge concurs in the result.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Murphy join.

Commissioner of Internal Revenue,
Petitioner,
33 vs.
C. C. Harmon.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The United States, Appellant, vs. David McD. Shearer. 424

Appeal from the Court of Claims of the United States.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims of the United States, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. David McD. Shearer. 532

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Joshua C. Carter, Appellant, vs. General American Life Insurance Company. 461

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court

that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black.

Eurus Cady, Appellant, vs. The State of Georgia. — Appeal from the Supreme Court of the State of Georgia.

584

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Eurus Cady, Appellant, vs. The State of Georgia. — Appeal from the Supreme Court of the State of Georgia.

584

Treating the appeal papers herein from the Supreme Court of the State of Georgia as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lucille Putzier,
Appellant,
vs.
Margaret Richardson.

Appeal from the Supreme Court of the State of Arizona.

585

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Lucille Putzier,
Appellant,
vs.
Margaret Richardson.

Appeal from the Supreme Court of the State of Arizona.

585

Treating the appeal papers herein from the Supreme Court of the State of Arizona as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Vergil D. McMillan,
Petitioner,

ON CONSIDERATION of the application submitted herein by Vergil D. McMillan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William H. Riccia,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Jack A. McCoy,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Green Wilburn,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

10,Original vs.

The State of Wyoming, et al.

ON CONSIDERATION of the motions of the defendants to extend the time to and including February 1, 1945, within which to file answers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

ON CONSIDERATION of the motion of the American Civil Liberties Union for leave to file a brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, et al.

ON CONSIDERATION of the motion of the National Association for the Advancement of Colored People for leave to file a brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

American Trucking Association, Inc., et al.,

Appellants,

558 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following Nos. 507 and 508.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

431 vs.

Joseph H. Beuttas, et al., Trading as B-W Construction Co., Not Inc.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Federal Trade Commission, Order allowing certiorari.

Petitioner,

559 vs.

A. E. Staley Manufacturing Company and Staley Sales Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner, vs. Court Holding Company. — Order allowing certiorari.

581

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alabama State Federation of Labor, Local Union No. 103, United Brotherhood of Carpenters and Joiners of America, et al., Petitioners, vs. Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. — Order allowing certiorari.

588

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the record presents one or more cases or controversies within the meaning of Art. III, Sec. 2 of the Constitution and to state the precise facts giving rise to, and the issues involved in, each such case or controversy, if any. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Addie K. Redmond, et al.,
Petitioners,
444 vs.
Commerce Trust Company, as Trustee, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addie K. Redmond and Erma H. Parker,
Petitioners,
503 vs.
United Funds Management Corporation, Bankrupt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Joseph,
Petitioner,
484 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dorothy Rintoul,

Petitioner,

501 vs.

Sun Life Assurance Company of Canada.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Kroger Grocery & Baking Company, Wesco Foods Company, The Colter Company, et al.,

Petitioners,

557 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aubrey Hickenbottom, d.b.a. Hickenbottom Motor Company, et al.,

Petitioners,

576 vs.

W. J. McCain, Commissioner, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Bommarito, Ed Carlton Lacy, Saul Kohn and Edward Godderman Weisberg,

Petitioners,

577 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Poretsky, Arthur W. Machen, Trustee, and Thomas Machen,

Petitioners,

579 vs.

Julius H. Wolpe, et al. and Charles W. Kutz, et al., etc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bauer, Pogue & Co., Inc. and Frederick R. Bauer,

Petitioners,

580 vs.

Adele D. Trounstine, as Ancillary Executrix of the Last Will and Testament of Norman S. Goldsberger, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addison E. McCoy and Sara S. McCoy,

Petitioners,

587 vs.

Holly Hill Lumber Company, Inc.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving Elias, et al., Constituting the Protective Committee for the Holders of Convertible Obligations Due 2002, etc., et al.,

Petitioners,

590 vs.

Stanley Clarke, Trustee of Associated Gas & Electric Company, Debtor, et al

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thatcher C. Jones, et al., Constituting the Scrip Holders Protective Committee of Associated Gas and Electric Company,

Petitioners,

591 vs.

Stanley Clarke, Trustee of Associated Gas & Electric Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

P. D. George,
Petitioner,
595 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raytheon Production Corporation,
Petitioner,
609 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert E. Lee Folkes,
Petitioner,
569 vs.
State of Oregon.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert E. Lee Polkes,
Petitioner,
569 vs.
State of Oregon.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vernon Sturgeon, et al.,
Petitioners,
582 vs.
Great Lakes Steel Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

State of Florida, ex rel. B. P. Laing,
Petitioner,
598 vs.
John Scott, Sheriff of Bay County, Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Robert L. Entsminger,

Petitioner,

502 vs.

Yazoo & Mississippi Valley Railroad Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert L. Entsminger,

Petitioner,

502 vs.

Yazoo & Mississippi Valley Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman Kennedy,

Petitioner,

596 vs.

Percy A. Lainson, Warden of the Iowa State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Herman Kennedy,

Petitioner,

596 vs.

Percy A. Lainson, Warden of the Iowa State Penitentiary.

On petition for writ of certiorari to the District Court of the United States for the Southern District of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Southern District of Iowa, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of jurisdiction.

Per Mr. Chief Justice Stone.

William Leva Hough,

Petitioner,

603 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Leva Hough,

Petitioner,

603 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Leva Hough,

Petitioner,

603 vs.

The People of the State of California.

ON CONSIDERATION of the motion for a stay of execution in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. C. Curley,

Appellant,

—— vs.

The State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

411 vs.

El Dorado Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The City National Bank and Trust Company, Trustee, etc.,

Petitioner,

451 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, December 4 next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Irving R. M. Panzer, Esquire, of East Hampton, State of New York; William W. Fowlkes, Esquire, of San Antonio, State of Texas; and Tracy Heiman Ferguson, Esquire, of Syracuse, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Booker, It is ordered that J. R. Booker, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Fitzgerald, It is ordered that Maurice Edelbaum, Esquire, of New York, State of New York, and David P. Price, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Tom Elam, Esquire, of Union City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger S. Foster, It is ordered that Arnold Ralph Ginsburg, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Alvin Pittenger, It is ordered that Mart M. Monaghan, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that Edwin L. Blewer, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Coleman Gangel, It is ordered that Myron P. Gordon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Jerome Harvey Simonds, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brooks Hays, It is ordered that John Hugh Carmichael, Jr., Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that G. Ellis Gable, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jeff Busby, It is ordered that Rowell T. Crocker, Esquire, of Calhoun City, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Call, It is ordered that J. Gerald Mayer, Esquire, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Francis M. Thompson, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solomon A. Klein, It is ordered that Fred J. Loughran, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Edward Arkin, Esquire, of New York, State of New York, and Joseph Kottler, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace S. Whitman, It is ordered that Earl Glen Whitehead, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Moore, It is ordered that Irving Clark, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Laforest Stephen Saulsbury, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Lester F. Murphy, Esquire, of East Chicago, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Solovei, It is ordered that Julian Vernon Carabba, Esquire, of New York, State of New York. be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that Walter M. Gleason, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rae Williams, It is ordered that Patrick N. Fusco, Esquire, of Niles, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Otis W. Bullock, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Claridge Apartments Company,
Petitioner,
vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

28

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Claridge Apartments Company, Petitioner,
29 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Armour and Company, Petitioner,
73 vs.
Adam Wantock and Frank Smith.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Jackson.

Jim Skidmore, et al., Petitioners,

12 vs.

Swift and Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

E. Jack Smith, Jack Clark, R. L. Rivers, and W. Corry Smith, Partners Trading Under the Firm Name of E. Jack Smith, Contractor, - Petitioners,

23 vs.

Comer Davis, Reese Perry and John C. Townley, as Board of County Tax Assessors of Fulton County, et al.

On writ of certiorari to the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Murphy.

Commissioner of Internal Revenue, Petitioner, vs. The Scottish American Investment Company, Limited. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

52

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Commissioner of Internal Revenue, Petitioner, vs. British Assets Trust, Limited. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

53

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Commissioner of Internal Revenue,
Petitioner,
94 vs.
Second British Assets Trust, Limited.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

The Scottish American Investment Company, Limited,
Petitioner,
220 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

British Assets Trust, Limited,
Petitioner,
221 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Second British Assets Trust, Limited,
Petitioner,
222 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

The United States, Petitioner, vs. Standard Rice Company, Inc. — On writ of certiorari to the Court of Claims.

72

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Black.

Harry W. Cline, Trustee in Bankruptcy of Gold Medal Laundries, Inc., Petitioner, vs. Arthur S. Kaplan, Harry Koplin and Budget Launderers, Inc., Formerly Known as Chicago Laundry Building Company, et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

307

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Frankfurter.

Spector Motor Service, Inc., Petitioner,

62 vs.

Charles J. McLaughlin, Tax Commissioner, Walter W. Walsh, Substituted Defendant.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut with directions to retain the bill pending the determination of proceedings to be brought with reasonable promptitude in the State court in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas concurs in the result.
Mr. Justice Black dissents.

Gustav H. Kann, Petitioner,

35 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Jackson and Mr. Justice Rutledge concur.

Jeff Busby and Vernon Lowrey,

74 vs.

Electric Utilities Employees Union, etc.

On certificate from the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on certificate from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the certificate herein, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter.

Stella Barber,

Petitioner,

51 vs.

B. George Barber.

On writ of certiorari to the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Jackson.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The Curators of the Central College, Appellant, vs. Mary E. Rose, Collector of Revenue of Howard County, Missouri. Appeal from the Supreme Court of the State of Missouri.

611

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Ex parte James Preston Bratcher, Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Willie May Maxson McKee, Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Winfred William Lynn,

Petitioner,

—— vs.

J. A. Ulio, The Adjutant General
of the Army of the United States,
etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Harry Wilson,

Petitioner,

—— vs.

United States District Court for
the Northern District of Texas.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George D. Latimer,

Petitioner,

—— vs.

Bert O. Webb, Superintendent, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and motion for writ of certiorari herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Daisy D. Wilson,

Petitioner.

ON CONSIDERATION of the application submitted herein by Daisy D. Wilson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Barrett Line, Inc.,

Appellant,

630 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Angelus Milling Company, Order allowing certiorari.

Petitioner,

610 vs.

Commissioner of Internal Revenue.

The Petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al., Petitioners,

613 vs.

Harry A. Millis, Individually and as Chairman and Member of the National Labor Relations Board, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner,

629 vs.

William H. Wemyss.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following Merrill vs. Fahs, U. S. Collector of Internal Revenue, No. 126.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner,

578 vs.

Estate of Lester Field, Deceased, Barnett Hollander, Temporary Administrator and Executor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following Fidelity-Philadelphia Trust Company, et al. vs. Rothensies, No.263.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. H. Phillips, Inc., Petitioner,

608 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Dewey White, Petitioner,

212 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dewey White, Petitioner,

212 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted and the case is consolidated with the case of Lutz vs. Ragen, Warden, No. 259, for argument.

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted and the case is consolidated with the case of White vs. Ragen, Warden, No. 212, for argument.

Per Mr. Chief Justice Stone.

Edward A. Hunt and Robert A. Hunt, Co-partners Trading as Hunt's Motor Freight and Food Products Transport,

Petitioner,

570 vs.

Edward Crumboch, President, Joseph E. Grace, Secretary-Treasurer.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward A. Hunt and Robert A. Hunt, Co-partners Trading as Hunt's Motor Freight and Food Products Transport,

Petitioner,

570 vs.

Edward Crumboch, President, Joseph E. Grace, Secretary-Treasurer, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Otto Lind and The Proctor & Gamble Company,

Petitioners,

599 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Otto Lind and The Proctor & Gamble Company,

Petitioners,

600 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Spencer, White & Prentis, Inc., Petitioner,

612 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of Henry H. Rogers, Deceased, Albert Stickney, et al., Executors, etc., Petitioners,

618 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Creek Indians National Council, by C. W. Ward, President, et al., Petitioners,

619 vs.

Sinclair Prairie Oil Company, H. G. Barnard, N. B. Peagan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

District of Columbia, a Municipal Corporation,

Petitioner,

623 vs.

Alphonse J. Vignau and Josephine Vignau.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. H. Jeffers,

Petitioner,

625 vs.

S. J. Isaacks, Independent Executor of the Last Will and Testament of Martin V. Jeffers, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. G. House,

Petitioner,

628 vs.

The United States of America, Leona Richard Fox, Wanda Richard Curtis, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grace Line, Inc., Petitioner, vs. Cuba Distilling Company, Inc., and Defense Supplies Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

632

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Huntman Stabilizer Corporation, Petitioner, vs. General Motors Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

638

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Huntman Stabilizer Corporation, Petitioner, vs. General Motors Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

639

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the saidpetition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Surety Corporation,
Petitioner,
606 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Lakes Dredge & Dock Company, Owner of the Steamtug "John R. Williams",
Petitioner,
640 vs.
The United States of America, Owner of Submarine Cable No. 555.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American-LaFrance-Foamite Corporation,
Petitioner,
653 vs.
Radcliffe M. Urquhart and George G. Urquhart.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Flora Regensburg, as Executrix of the Estate of Jerome Regensburg, Deceased,

Petitioner,

646 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Melville E. Regensburg,

Petitioner,

647 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mortimer Regensburg,

Petitioner,

648 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Isaac Regensburg,
Petitioner,
649 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Melville E. Regensburg and Sophy Regensburg,
Petitioners,
650 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Beacon Milling Company, Inc.,
Petitioner,
605 vs.
The New York Central Railroad Company.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of a final judgment.

Per Mr. Chief Justice Stone.

American Scotti Corporation and
S. A. Scotti & C. of Monza, Italy,

Petitioners,

626 vs.

Henry Pollak, Inc.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

American Scotti Corporation and
S. A. Scotti & C. of Monza, Italy,

Petitioners,

626 vs.

Henry Pollak, Inc.,

On petition for writ of certiorari to the Supreme Court of New York County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of New York County, State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. W. Lorber, Roy R. Dempster,
J. R. Mason, et al.,

Petitioners,

624 vs.

Vista Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Mecca Temple of the Ancient Arabic Order of the Nobles of the Mystic Shrine,

Petitioner,

645 vs.

William Darrock.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black and Mr. Justice Douglas took no part in the consideration or decision of this application.

Walter Fowler,

Petitioner,

543 vs.

T. R. Grimes, Sheriff.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Fowler,

Petitioner,

543 vs.

T. R. Grimes, Sheriff.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Duncan,

Petitioner,

562 vs.

United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Duncan,

Petitioner,

562 vs.

United States Circuit Court of Appeals for the Eighth Circuit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alton Crapo,

Petitioner,

567 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Alton Crapo,

Petitioner,

567 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Egan,

Petitioner,

651 vs.

The People of the State of California, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frank Egan,

Petitioner,

651 vs.

The People of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In the Matter of Hulon Capshaw,
an Attorney,

Petitioner.

386

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

412 vs.

Glenn-Colusa Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Goldberg,

Petitioner,

440 vs.

Reconstruction Finance Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aubrey Hickenbottom, d.b.a.
Hickenbottom Motor Company, et al.,

Petitioners,

576 vs.

W. J. McCain, Commissioner, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Leva Hough,

Petitioner,

603 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Federal Public Housing Authority, formerly United States Housing Authority,

Appellant,

388 vs.

George Guckenberger, Auditor, etc., et al.

ON CONSIDERATION of the motion of counsel for the Cincinnati Metropolitan Housing Authority for leave to appear and present oral argument as amicus curiae in this case,

IT IS ORDERED BY THIS COURT that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Terminal and Shaker Heights Realty Co.,

Petitioner,

496 vs.

Charles L. Bradley, et al.

ON CONSIDERATION of the motion to extend the time for filing a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Burgin Potts,

Petitioner,

719 vs.

Hubert H. Potts.

ON CONSIDERATION of the application of counsel for the petitioner for leave to file a brief in support of the petition for certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and leave is granted petitioner to file brief in support of the petition by December 15, next.

Per Mr. Chief Justice Stone.

Joseph T. MacAvoy,

Petitioner,

676 vs.

The State of Nebraska.

ON CONSIDERATION of the application to extend the time within which to file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including January 3, 1945.

Per Mr. Chief Justice Stone.

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William R. Johnson,

Petitioner,

153 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for writ of certiorari in this case;

THEREFORE, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Jack Sommers, James A. Hartigan, William P. Kelly and Stuart Solomon Brown,

Petitioners,

154 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the petitioners have filed a motion to dismiss the petition for writ of certiorari in this case;

THEREFORE, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

John Earl Surtman, Rupert C. Pfeiffer, Frank S. Rauth, et al.,

Petitioners,

568 vs.

Herman H. Dignan, Secretary of State of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

It appearing to the Court that counsel for the petitioners have filed a motion to dismiss the petition for writ of certiorari in this case;

THEREFORE, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Pacific Gas and Electric Company,

Petitioner,

55 vs.

Securities and Exchange Commission.

Argued by Mr. Herman Phleger for the petitioner and by Mr. Chester T. Lane for the respondent.

Morris Malinski and Sidney Rudish,

Petitioners,

367 vs.

The People of the State of New York.

Argument commenced by Mr. John J. Fitzgerald for the petitioners and continued by Mr. David P. Price for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward F. Huber, It is ordered that Harold F. Kluto, Esquire, of Niles, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerard D. Reilly, It is ordered that David E. Scoll, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William K. Tell, It is ordered that Hal W. Stewart, Esquire, of Findlay, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Stewart McDonald, Jr., It is ordered that Robert Ransom, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Arthur P. Larrabee, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Lauson H. Stone, It is ordered that Dana Converse Backus, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Jess L. Pullen, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Hardwicke, It is ordered that R. S. McLaughlin, Esquire, of Los Angeles, State of California, and Wallace E. Avery, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Hooker, It is ordered that Wiley Wilson, Jr., Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Morris Malinski and Sidney Rudish,

Petitioners,

367 vs.

The People of the State of New York.

Argument continued by Mr. Solomon A. Klein for the respondent and concluded by Mr. John J. Fitzgerald for the petitioners.

Jemsco, Inc., et al.,

Petitioners,

368 vs.

L. Metcalfe Walling, Administrator, etc.;

Mildred Maretzo, et al.,

Petitioners,

369 vs.

L. Metcalfe Walling, Administ...

Josephine Guiseppi, et al.,

Petitioners,

370 vs.

L. Metcalfe Walling, Administrator, etc.

Argued by Mr. Samuel S. Allan and Mr. Seymour D. Altmark for the petitioners and Mr. Archibald Cox for the respondent.

The Associated Press, Paul Bellamy, et al.,

Appellants,

57 vs.

The United States of America;

Tribune Company, et al.,

Appellants,

58 vs.

The United States of America; and

The United States of America,

Appellant,

59 vs.

The Associated Press, Paul, Bellamy, et al.

Three hours allowed for oral argument. Argument commenced by Mr. John T. Cahill for the Associated Press, et al., and continued by Mr. Howard Ellis for the Tribune Company, et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Doyle H. Strange, It is ordered that Maurice Howard Leibowitz, Esquire, of New York, State of New York, and Asa Grant Dean, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon W. Kapp, It is ordered that Howard Vincent Calverley, Esquire, of Los Angeles, State of California, and P. Marcell Barceloux, Esquire, of Chico, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abbot P. Mills, It is ordered that John A. Parker, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that John C. Sheppard, Esquire, of Cambridge, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The Associated Press, Paul Bellamy, et al.,

Appellants,

57 vs.

The United States of America;

Tribune Company, et al.,

Appellants,

58 vs.

The United States of America; and

The United States of America,

Appellant,

59 vs.

The Associated Press, Paul Bellamy, et al.

Argument continued by Mr. Howard Ellis for The Tribune Co., et al; by Mr. Charles B. Rugg and Mr. Assistant Attorney General Berge for the United States; and concluded by Mr. John T. Cahill for the Associated Press, et al.

The City of Cleveland,

Appellant,

68 vs.

The United States of America, et al.; and

John J. Boyle, County Treasurer of Cuyahoga County, et al.,

Appellants,

69 vs.

The United States of America, et al.

Argument commenced by Mr. Joseph P. Smith for the appellant in No. 68; continued by Mr. Ralph W. Edwards for the appellants in No. 69; by Mr. Francis M. Thompson for the Ohio Real Estate Association as amicus curiae, by special leave of court; and concluded by Mr. Robert L. Stern for the appellees.

Federal Public Housing Authority,
formerly United States Housing
Authority,

Appellant,

388 vs.

George Guckenberger, Auditor, etc.

Argument commenced by Mr. Robert L. Stern for the appellant and continued by Mr. C. Watson Hover for the appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry B. Walker, It is ordered that Joseph L. Forscher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward W. Moses, It is ordered that John H. Weir, Esquire, of New Haven, State of Connecticut, and Bruce W. Manternach, Esquire, of West Hartford, State of Connecticut, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wickson Thomas, It is ordered that John Hart Todd, Esquire, of Dallas, State of Texas, and James Howard Russell, Esquire, of Belton, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Alonzo Barnard Kight, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Douglas Gould Lillie, Esquire, of Belmont, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur C. Pickett, It is ordered that Keith L. Seegmiller, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Runk, It is ordered that George Warren Gold, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Public Housing Authority,
formerly United States Housing
Authority,

Appellant,

388 vs.

George Guckenberger, Auditor, etc.

Argument continued by Mr. C. Watson Hover for the appellees and concluded by Mr. Francis T. Bartlett for Cincinnati Metropolitan Housing Authority as amicus curiae by special leave of Court.

Roscoe A. Coffman,

Appellant,

71 vs.

Breeze Corporation, Inc., and
The United States of America;
and

Roscoe A. Coffman,

Appellant,

485 vs.

Federal Laboratories, Inc., and
The United States of America.

Argued by Mr. James D. Carpenter, Jr., and Mr. John G. Buchanan for the appellant and by Mr. Assistant Attorney General Shea for

the appellee The United States of America. No appearance for the appellees, The Breeze Corporation, Inc., and Federal Laboratories, Inc.

Ford Motor Company,

Petitioner,

75 vs.

Department of Treasury of the State of Indiana, et al.

Argued by Mr. Merle H. Miller for the petitioner and Mr. Winslow Van Horne and Mr. John J. McShane for the appellees. Leave granted petitioner to file reply brief.

State of New York and Saratoga Springs Commission, et al.,

Petitioners,

83 vs.

The United States of America.

Argument commenced by Mr. Henry S. Manley for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that James Peter Economos, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Prizer, It is ordered that John A. W. Richardson, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Benjamin Elmo Taylor, Esquire, of Searcy, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that Byrl Albert Whitney, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Ludwick, It is ordered that Eugene L. Rendler, Esquire, of San Jose, State of California, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Wilton H. Wallace, It is ordered that Eugene Blanc, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Foley, It is ordered that Lewis L. Delafield, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of New York and Saratoga Springs Commission, et al.,

Petitioners,

83 vs.

The United States of America.

Argument continued by Mr. Henry S. Manley for the petitioners and concluded by Mr. Paul A. Freund for the respondent.

Central States Electric Company,

Petitioner,

85 vs.

City of Muscatine, Iowa, et al.

Argued by Mr. Perry M. Chadwick for the petitioner and by Mr. Charles V. Shannon for the respondent Federal Power Commission, and case submitted by Mr. Matthew Westrate for respondent City of Muscatine and by Mr. Elmer E. Johnson, pro se.

Regal Knitwear Company,

Petitioner,

86 vs.

National Labor Relations Board.

Argued by Mr. Malcolm P. Halliday for the respondent and case submitted by Mr. John P. Chandler for the petitioner.

Prudence Realization Corporation,

Petitioner,

137 vs.

Joseph W. Ferris, et al., trustees, etc.

Argument commenced by Mr. Irving L. Schanzer for the petitioner.

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Proclamation being made the Court is adjourned until Monday next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Theodore Palmer MacMaster, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Charles Cadwallader, It is ordered that Bert Russell Decker, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Paul F. Kriethe, Jr., Esquire, of Burt, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Raeburn Green, It is ordered that Robert J. Flanagan, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that George M. Szabad, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court

On motion first made to the Court in this behalf by Mr. Walter E. Barton, It is ordered that Wilbur M. Cleaves, Esquire, of Houston, State of Texas, and Louis Bernard Fine, Esquire, of Norfolk, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

The United States of America,
Appellant,
vs.
Crescent Amusement Company,
Rockwood Amusement Company,
Cherokee Amusements, Inc., et al.

Appeal from the District Court of the United States for the Middle District of Tennessee.

17

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Tennessee, and on motion to dismiss the appeal, which was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal allowed July 16, 1943, in this cause, be, and the same is hereby, dismissed.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America,
Appellant,
vs.
Crescent Amusement Company,
Rockwood Amusement Company,
Cherokee Amusements, Inc., et al.

Appeal from the District Court of the United States for the Middle District of Tennessee.

18

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Tennessee, and on motion to dismiss the appeal, which was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, denied.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the part of the decree under review on the appeal of the United States of America be, and the same is hereby, reversed; and that this cause be, and

the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Roberts.

Crescent Amusement Company, Cumberland Amusement Company, Lyric Amusement Company, Inc., et al.,

Appellants,

vs.

The United States of America.

Appeal from the District Court of the United States for the Middle District of Tennessee.

19

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the part of the decree under review on the appeal of Crescent Amusement Company, et al., be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Roberts.

Order of Railway Conductors of America, H. W. Fraser, as President of the Order of Railway Conductors of America, etc., et al.,

Petitioners,

vs.

The Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

200

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari herein, be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

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Carolina Scenic Coach Lines, a Co-partnership,

Appellant,

637 vs.

The United States of America, Interstate Commerce Commission, and Smoky Mountain Stages, Inc.

Appeal from the District Court of the United States for the Western District of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of North Carolina, and on motions to dismiss or affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to affirm the decree of the District Court be, and the same are hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

The North Shore Corporation,

Petitioner,

345 vs.

Isadore Barnett, J. F. Booth, R. Brazle, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to modify the judgment below by reducing the recovery of each respondent and award attorney's fees and costs as indicated in said stipulation;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the judgment of the said Circuit Court of Appeals, in this cause be, and the same is hereby, vacated; and that the judgment of the District Court of the United States for the Southern District of Florida, be, and the same is hereby, modified in accordance with the stipulation signed by counsel for the parties. The mandate is ordered to issue forthwith.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court with directions to enter judgment as modified.

The North Shore Corporation,
Petitioner,
vs.
William J. Scott, Rubin Knox and W. M. Young.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

346

It appearing to the Court that counsel for the respective parties have filed a stipulation to modify the judgment below by reducing the recovery of each respondent and award attorney's fees as indicated in said stipulation;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the judgment of the said Circuit Court of Appeals, in this cause be, and the same is hereby, vacated; and that the judgment of the District Court of the United States for the Southern District of Florida, be, and the same is hereby, modified in accordance with the stipulation signed by counsel for the parties. The mandate is ordered to issue forthwith.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court with directions to enter judgment as modified.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte John Russell Miller,
Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Saxe,

Petitioner,

—— vs.

Robert A. Heinze, et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas A. Vernon,

Petitioner,

—— vs.

State of Wyoming, District Attorney of Laramie County, et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Hendrin,

Petitioner,

—— vs.

Percy A. Lainson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the United States of America, ex rel. Archibald Russell,

Petitioner,

vs.

Joseph E. Ragen, Warden, etc., et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas Merryl Woffard,

Petitioner.

ON CONSIDERATION of the application submitted herein by Thomas Merryl Woffard,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Pabodie,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Nebraska,

Complainant,

6, Original vs.

State of Wyoming, et al.

The exceptions to the report of the Special Master are received and ordered filed. The case is set for hearing on the exceptions and assigned for argument on Monday, March 5, next. In the event the parties cannot agree upon the time for filing briefs, dates will be fixed by the Court.

Per Mr. Chief Justice Stone.

The Hudson & Manhattan Railroad Company,

Appellant,

766 O.T. 1943 vs.

The City of Jersey City, et al.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 10, 1945.

Per Mr. Chief Justice Stone.

The Connecticut Light and Power Company,

Petitioner,

189 vs.

Federal Power Commission.

ON CONSIDERATION of the application of Mr. John E. Benton for one-half hour time within which to appear and present oral argument in behalf of Connecticut Public Utilities Commission, The National Association of Railroad and Utilities Commissioners, and the State of Connecticut, as amici curiae in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mary Burgin Potts,

Petitioner,

719 vs.

Hubert H. Potts.

ON CONSIDERATION of the application to extend the time within which to file brief in support of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 2, 1945.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

663 vs.

Capital Transit Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Sinclair & Carroll Company, Inc., Order allowing certiorari.

Petitioner,

656 vs.

Interchemical Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

In re Clyde Wilson Summers, Petitioner.

Order allowing certiorari.

205

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted and the writ is ordered to issue.

Per Mr. Chief Justice Stone.

Radio Station WOW, Inc., (a Nebraska Corporation), Woodman of the World Life Insurance Society (a Nebraska Corporation), et al., Petitioners,

vs.

Homer H. Johnson.

Order allowing certiorari.

593

The petition herein for a writ of certiorari to the Supreme Court of the State of Nebraska is granted. Counsel are requested to discuss in their briefs and on oral argument the questions: (1) whether the judgment is final within the meaning of Sec. 237(b) of the Judicial Code, and (2) whether the federal questions raised by the petition for certiorari were properly presented in the record. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner,

vs.

Carmen Beach.

Order allowing certiorari.

620

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Memphis Natural Gas Company,
Petitioner,
218 vs.
George McCanless, Commissioner of Finance and Taxation, State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Memphis Natural Gas Company,
Petitioner,
219 vs.
George McCanless, Commissioner of Finance and Taxation, State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Amey Thlocco, Lorin Ray, Guardian of the Person and Estate of Amey Thlocco, etc.,
Petitioners,
539 vs.
Magnolia Petroleum Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton B. Layton,

Petitioner,

633 vs.

William J. Thayne.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton B. Layton,

Petitioner,

634 vs.

William J. Thayne.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ammiel F. Decker and Mabel P. Decker, Individuals, Trading and Doing Business as Decker Products Company,

Petitioners,

635 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mario Joseph Pacman,

Petitioner,

644 vs.

The United States of America

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sterling Carr, Trustee in Bankruptcy of Nippon Yusen Kaisya,

Petitioner,

652 vs.

Elliott V. Bell, Superintendent of Banks of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Western Mesa Oil Corporation and El Segundo Oil Company,

Petitioners,

681 vs.

Edlou Company, et al., Landowners in El Segundo Community Lease No. Four-A, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abraham Jeskowitz,

Petitioner,

658 vs.

Leonard H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Abraham Jeskowitz,

Petitioner,

658 vs.

Leonard H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward De Roulhac Blount,

Petitioner,

594 vs.

Howard B. Gill, Successor to Ray L. Huff, General Superintendent, District Penal Institutions.

ON CONSIDERATION of the motion to substitute Howard B. Gill as the party respondent in the place and stead of Ray L. Huff,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Edward De Roulhac Blount,

Petitioner,

594 vs.

Howard B. Gill, General Superintendent, District Penal Institutions.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward De Roulhac Blount,

Petitioner,

594 vs.

Howard B. Gill, General Superintendent, District Penal Institutions.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willis James Meyer,

Petitioner,

602 vs.

People of the State of California, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Willis James Meyer,

Petitioner,

602 vs.

People of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willis James Meyer,

Petitioner,

602 vs.

People of the State of California, et al.

ON CONSIDERATION of the petition for other relief in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Hambrick,

Petitioner,

642 vs.

State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Hambrick,

Petitioner,

642 vs.

State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Moskovitz,

Petitioner,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Public Service Commission (State Division of the Department of Public Service of the State of New York), et al.,

Appellants,

479 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph T. Waters,

Petitioner,

487 vs.

Kings County Trust Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, December 18, until Tuesday, January 2, 1945.

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Prudence Realization Corporation,

Petitioner,

137 vs.

Joseph W. Ferris, et al., trustees, etc.

Argument continued by Mr. Charles H. Kriger for the respondents Ferris, et al.; by Mr. Eugene Blanc, Jr., for the respondents City Bank Farmers Trust Co., et al., and concluded by Mr. Irving L. Schanzer for the petitioner.

Ira J. McCullough,

Petitioner,

46 vs.

Kammerer Corporation and Baash-Ross Tool Company.

Argued by Mr. A. W. Boyken for the petitioner and by Mr. Leonard S. Lyon for the respondent.

Ella P. Fondren, and the
Estate of W. W. Fondren,
deceased, et al.,

Petitioners,

88 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. W. M. Cleaves for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that James W. Barr, Esquire, of Joliet, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that James Cox Wilbourn, Esquire, of Meridian, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Eugene Rust, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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In the Matter of Hulon Capshaw,

ON CONSIDERATION of the application to extend the time within which to file a return to the rule to show cause issued herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including December

Ella F. Pondren, and the estate
of W. W. Pondren, deceased, et al.,

Petitioners,

88 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. W. M. Cleaves for the petitioners and concluded by Mr. J. Louis Monarch for the respondent.

The United States of America,

Appellant,

106 vs.

Herman Rosenwasser, an individual,
etc.

Argued by Mr. Ralph F. Fuchs for the appellant and case submitted by Mr. Victor Behrstock for the appellee.

Charles Williams,

Petitioner,

102 vs.

Paul E. Kaiser, Warden, etc.; and

O. C. Tomkins,

Petitioner,

64 vs.

The State of Missouri.

Argued by Mr. John Raeburn Green for the petitioners and by Mr. Robert J. Flanagan for the respondents.

The United States,

Petitioner,

134 vs.

Louis Townsley.

Argued by Mr. Enoch E. Ellison for the petitioner and by Mr. Herman J. Galloway for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Hugh G. Bergen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Hoyet A. Armstrong, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice R. Weeks, It is ordered that Jesse O. Dedmon, Jr., Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

ON CONSIDERATION of the application to extend the time within which to file reply briefs for the petitioner in these cases,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including January 5, 1945.

Per Mr. Chief Justice Stone.

Estate of John S. Garrett, Jr., Deceased, Bankrupt, etc.,

Petitioner,

467 vs.

Reynold H. Greenberg, Trustee, etc., et al.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including January 4, 1945.

Per Mr. Chief Justice Stone.

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Webre Steib Company, Ltd.,

Petitioner,

148 vs.

Commissioner of Internal Revenue.

Argued by Mr. C. J. Batter and Mr. William A. Sutherland for the petitioner and by Miss Helen R. Carloss for the respondent.

Industrial Additional Association,

Petitioner,

118 vs.

Commissioner of Internal Revenue.

Argued by Mr. F. A. Berry for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark for the respondent.

The F. W. Fitch Company,

Petitioner,

181 vs.

The United States of America.

Argued by Mr. Arnold F. Schaetzle for the petitioner and by Mr. Andrew D. Sharpe for the respondent.

National Metropolitan Bank,

Petitioner,

161 vs.

The United States of America.

ON CONSIDERATION of the motion of Mr. Assistant Attorney General Shea that Mr. David L. Kreeger be granted leave to appear and present oral argument pro hac vice for respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Waldo C. Hodgdon, Esquire, of Westwood, Commonwealth of Massachusetts, and Samuel A. Fitch, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert MacC. Barnes, Jr., It is ordered that Joseph Bradley Colburn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that Fred J. Knauer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that George H. Wyatt, Esquire, of Durand, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville,

Petitioner,

709 vs.

General American Life Insurance Company.

ON CONSIDERATION of the application to extend the time within which to file brief for respondent in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 5, 1945.

Per Mr. Chief Justice Stone.

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National Metropolitan Bank,

Petitioner,

161 vs.

The United States of America.

Argument continued by Mr. David L. Kreeger, for the respondent, pro hac vice, by special leave of Court, and concluded by Mr. George C. Gertman for the petitioner.

Georgia Hardwood Lumber Company,

Petitioner,

180 vs.

Compania de Navegacion Transmar, S.A., owner of S.S. Kotor.

Argued by Mr. John Tilney Carpenter for the petitioner and by Mr. Wilbur E. Dow, Jr., for the respondent.

Albert E. McKenzie, as Trustee, etc.,

Petitioner,

188 vs.

Irving Trust Company.

Argued by Mr. David Margulas for the petitioner and by Mr. William A. Cnderdonk for the respondent.

Willis E. Giese,

Petitioner,

192 vs.

The United States of America.

Argued by Mr. Edmund D. Campbell for the petitioner and by Mr. Paul A. Freund for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Adolph Magidson, It is ordered that John J. Borchardt, Esquire, of Brooklyn, State of New York; Herman Leonard Weiss, Esquire, of Brooklyn, State of New York; and Israel Convisser, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Stanley S. Phillips, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Gerson Askinas, Esquire, of Springfield, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic M. P. Pearse, It is ordered that Max Mehler, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marcellus R. Schultz, It is ordered that Leonard K. Rosenson, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Milford M. Miller, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Todres, It is ordered that Maxwell Tillman Cohen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Addie K. Redmond, et al.,

Petitioners,

444 vs.

Commerce Trust Company, as Trustee, etc.; and

Addie K. Redmond, et al.,

Petitioners,

503 vs.

United Funds Management Corporation, Bankrupt, et al.

ON CONSIDERATION of the motion of counsel for petitioners to extend the time within which to file petitions for rehearings in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including February 1, 1945.

Per Mr. Chief Justice Stone.

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Lena Rosenman, et al., as executors, etc.,

Petitioners,

207 vs.

The United States.

Argued by Mr. Charles Angulo for the petitioners and by Mr. Chester T. Lane for the respondent.

John Barr,

Petitioner,

287 vs.

The United States of America.

Argued by Mr. J. Bradley Colburn for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

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Proclamation being made the Court is arjourned until Monday, December 18, next at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Martin E. Sheets, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that J. Harry Pershing, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Robinson, Jr., It is ordered that Adolphus D.Moore, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Hale, It is ordered that Francis Forrest Neal, Esquire, of North Berwick, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Carl R. Miller, Esquire, of Decatur, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court,

On motion first made to the Court in this behalf by Mr. Fred W. Llewellyn, It is ordered that Ben Bryant Lifflander, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that Capelle H. Damrell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Ewing Thomason, It is ordered that Otis Harold Woodrow, Esquire, of Sherman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Rhodes, It is ordered that Clifford J. Harryman, Esquire, of Tupelo, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge.

Martin E. Sheets, Jr., of St. Louis, Mo.; J. Harry Pershing, of Pittsburgh, Pa.; Adolphus D. Moore, of Beaumont, Tex.; Francis Forrest Neal, of North Berwick, Me.; Carl R. Miller, of Decatur, Ill.; Ben Bryant Lifflander, of New York City; Capelle H. Damrell, of Chicago, Ill.; Otis Harold Woodrow, of Sherman, Tex.; and Clifford J. Harryman, of Tupelo, Miss., were admitted to practice.

The Honorable George Wharton Pepper addressed the Court as follows:

"May it please the Court: At a meeting of the Bar of the Supreme Court of the United States held this morning, to take appropriate action following the death of Mr. Justice George Sutherland, a Minute was adopted which I have been requested to present to the Court with the prayer that it be made a part of its permanent records."

Mr. Pepper then read the following:

"RESOLUTIONS

"George Sutherland was born at Stoney Stratford, Buckinghamshire, England, on March 25, 1862. Of his Scotch-Irish and English forebears he was always proud and it was to this racial blend that many of his distinguishing characteristics may be attributed.

"When he was but eighteen months old his parents came to the United States and made their home in Utah. There his early life was lived and there, even in boyhood, he engaged in the man-making struggle for existence characteristic of the American frontier. At Brigham Young Academy he received his preliminary, if not his only academic education. In 1882 he entered the law school of the University of Michigan of which at the time Judge Thomas N. Cooley was dean. His law school experience, as he often stated in later life, marked the beginning of his intellectual development. After a brief period of intensive study he was admitted, in March 1883, to practice in the Supreme Court of Michigan and joined his father in the general practice of the law in Provo, Utah.

"Immediately after his admission to the bar he was married to Miss Rosamond Lee, of Beaver City. Of the three children of their marriage only Mrs. Walter A. Bloedorn now survives.

Ex parte Mitsuye Endo.

70

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,

Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

"'While practicing with his father he accepted any business that came his way, whether civil or criminal. He often traveled miles on horseback through the mountains to try cases before justices of the peace. He defended many persons indicted under the Federal Anti-Polygamy Statutes and throughout his life he had the esteem and confidence of his Mormon neighbors.

"'In 1886 he formed a partnership with Samuel R. Thurman, Esq., afterward Chief Justice of the Supreme Court of Utah. Entering politics he became an active member of the Liberal or Gentile Party opposed to the practice of polygamy, and later was influential in the organization of the Republican Party of Utah. When Utah finally attained Statehood in 1895 he was elected to the first State Legislature, where his legal ability was promptly recognized. In April 1896, when the United States Circuit Court was organized for the District of Utah, he was admitted to practice before that tribunal. Thereafter, he became a member of the firm of Sutherland, Van Cott & Allison of Salt Lake City and on October 20, 1899, he was admitted to the Bar of the Supreme Court of the United States.

"'Elected in the fall of 1900 to the United States House of Representatives as a Republican, he gave hearty support to all measures which he deemed to be for the public good. After serving one term he declined renomination and resumed practice with his old firm. However, he was not suffered to remain long in private life and in 1904 was elected to the Senate of the United States.

"'During his service as a Senator he was active in the cause of judicial reform and took a leading part in the evolution of the Penal and Judicial Codes. During his first term the controversy over Senator Smoot's right to his seat became acute. While Senator Sutherland had opposed Smoot's nomination on the ground that no representative of the Mormon Church or of any other religious body ought to be sent to the Senate, yet when the people of Utah had fairly elected Smoot, Senator Sutherland vigorously and successfully supported the right of the Senator-elect to take his seat.

"'In his second term Senator Sutherland became deeply interested in foreign affairs and in legislation relating to employers' liability, workmen's compensation, and labor relations. His great speech in July of 1911 in opposition to the movement for recall of judicial decisions made him a national figure.

"'In September of 1916 he was elected president of the American Bar Association but when nominated for a third term in the Senate he was defeated at the polls by his Democratic opponent and former partner, Senator King. After his retirement he resumed the practice of law and found time to deliver a course of lectures at Columbia University and to make many important public addresses. In the years immediately preceding his elevation to the Bench he appeared

Ex parte Mitsuye Endo.

70

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

in many cases before the Court of which he was so soon to become a member. He was appointed by President Harding as counsel for the United States in the *Norwegian Ship* cases before the Permanent Court of Arbitration at The Hague. When, likewise under President Harding's appointment, he took his seat upon the Bench he was the fifth member of the Court from the date of its creation who had not been born a citizen of the United States or of the American Colonies.

"'In the sixteen years of his service upon the Bench the opinions which he delivered covered a wide range of subjects. His intimate knowledge of the laws relating to land, mining, and irrigation in the Rocky Mountain and desert States was of special value to the Court when called upon to render decisions in this field. His own early fight against poverty and his sympathy for the pioneers of the great West who had turned a vast wilderness into a land of promise made him an advocate of the rights of men who acquired their property by labor and physical privation, but he had no sympathy with the speculator who accumulates his wealth by preying upon his fellows.

"'It was in the field of constitutional law that he made his greatest contribution to our jurisprudence. Most of his judicial service was rendered in the closing years of that century of constitutional interpretation which began at the death of Chief Justice Marshall. This was the period in which the judicial tendency was to maintain a balanced and substantially equal dual sovereignty, with reliance upon natural law and the due process clauses of the Fifth and Fourteenth Amendments. It would be difficult to specify any one of his opinions as being the greatest that he wrote. In *United States* v. *Curtiss Wright Export Corp.*, 299 U. S. 304 (1936), he delivered the opinion of the Court which with clarity and force supports the doctrine that in the field of international relations the President is "the sole organ of the federal government" and as such possesses a power which does not require an act of Congress as a basis for its exercise. His dissenting opinion in the Minnesota Moratorium case (*Home Building & Loan Association* v. *Blaisdell*, 290 U. S. 398; 1934) is certainly one of the most powerful opinions ever written with an exclusively historical approach. His point of view is well illustrated by the following extract from the opinion:

"'The present exigency is nothing new. From the beginning of our existence as a nation, periods of depression, of industrial failure, of financial distress, of unpaid and unpayable indebtedness, have alternated with years of plenty. The vital lesson that expenditure beyond income begets poverty, that public or private extravagance, financed by promise to pay, either must end in complete or partial repudiation or the promises be fulfilled by self-denial and painful effort, though constantly taught by bitter

Ex parte Mitsuye Endo.

70

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

experience, seems never to be learned; and the attempt by legislative devices to shift the misfortune of the debtor to the shoulders of the creditor without coming into conflict with the contract impairment clause has been persistent and oft-repeated.'"

"'His felicity of expression and his mastery of clear and vigorous English were all the more remarkable when his limited opportunities for formal education are borne in mind. He was tenacious of his views without being pugnacious in asserting them. He never antagonized his associates and always retained their friendship and affection. His judgments were the result of independent reasoning. In the *O'Donoghue*, *Hitz*, and *Williams* cases (289 U. S. 516–553; 1933) he delivered the opinion of the Court, holding that the Supreme Court and the Court of Appeals of the District of Columbia are constitutional courts and that the compensation of their judges may not be diminished during their terms of office, thus distinguishing them from the Court of Claims and the Court of Customs Appeals. An illustration of his wholly impersonal approach is the disapproval expressed in this opinion of a dictum which his close friend and colleague, Mr. Justice Van Devanter, had previously uttered in the *Bakelite* case (279 U. S. 438; 1929).

"'Although even as a child he had struggled for self-support, he could not bring himself to uphold the constitutionality of the Federal Child Labor legislation. Similarly, it was his view that the minimum wage law of the District of Columbia was unconstitutional in that (to quote the language of his own opinion) "it exacts from the employer an arbitrary payment for a purpose and upon a basis having no causal connection with his business, or the contract or the work the employee engages to do. The declared basis * * * is not the value of the service rendered, but the extraneous circumstance that the employee needs to get a prescribed sum of money to insure her subsistence, health, and morals." (*Adkins* v. *Children's Hospital*, 261 U. S. 525; 1923). He was firm in his belief in the Bill of Rights and wrote the opinion of the Court in the Scottsboro case (*Powell* v. *Alabama*, 287 U. S. 45; 1932) and many others in which the rights and liberties of individuals were upheld.

"'Perhaps the character of the man himself cannot better be described than in the words which he himself used when, in 1941, he spoke thus to the graduating class of his Alma Mater, the Brigham Young University:

"'Good character does not consist in the mere ability to store away in the memory a collection of moral aphorisms that runs loosely off the tongue. Seneca gave the world a book of beautifully-written moral maxims; but he stood in the Roman Senate and shamelessly justified Nero's murder of his own mother.

Ex parte Mitsuye Endo.

70

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

Character to be good must be stable—must have taken root. It is an acquisition of thought and conduct which have become habitual—an acquisition of real substance, so firmly fixed in the conscience, and indeed in the body itself, as to insure unhesitating rejection of an impulse to do wrong.'"

"'He was the personification of his own ideals. This was the opinion of all who knew him and to this effect is the testimony of his associates in the letter which they addressed to him upon the announcement of his intention to retire from the Bench.

"'His death on July 18, 1942, was the passing of a great American. The services at Washington Cathedral conducted on July 22, 1942, by the late Bishop Freeman were in keeping with the simplicity of his life and the reasoned certainty of his Christian faith.

"'*Resolved*, That the Chairman of the Committee on Resolutions be requested to present these Resolutions to the Court with the prayer that they be embodied in its permanent records.'"

The Chief Justice directed that the resolutions be received and spread upon the minutes of the Court.

Mr. Attorney General Biddle addressed the Court, as follows:

"Mr. Chief Justice and Associate Justices: I feel it a privilege to offer these remarks in memory of Mr. Justice Sutherland who died July 18, 1942, and to ask that they be spread upon the permanent records of this court.

"George Sutherland, born in Buckinghamshire, England, of Scotch-English parents, was brought to the United States by his parents shortly after his birth on March 25, 1862. The family settled in a pioneer community in the far West which was later to become the State of Utah and young Sutherland was educated in the public schools of Salt Lake City and at the University of Michigan. Before he reached his 21st birthday, his studies had been completed and he had been admitted to the bar. Some thirteen years later, in 1896, when Utah was admitted to the union he became a member of its first Senate and also of the State's first judiciary committee. He later served one term in the House of Representatives at Washington and two terms in the United States Senate. During his years in the Senate he formed a close bond of friendship with his colleague Reed Smoot, one of the Republican leaders, and as a member of the Senate Judiciary Committee. It was during his service in the Senate that he formed the reputation of an able and conscientious exponent of the Constitution, who was well grounded in the law.

Ex parte Mitsuye Endo.

70

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

"In 1916 he was elected President of the American Bar Association to succeed Elihu Root, and devoted much of his time to its interests. It was while he was in this office that he registered a warning about national prohibition which later events proved to be of striking accuracy. 'It does not require a prophet,' he said, 'to foresee that laws of this character exacting penalties so utterly disproportionate to the offense, can never be generally enforced, and to write them into the statutes to be cunningly evaded or contemptuously ignored will have a strong tendency to bring just and wholesome laws dealing with the liquor question into disrepute.' Thus he illustrated the capacity for clear visions which characterized his attitude toward national policies. His own view on the question was in favor of abstinence from alcoholic beverages and for prohibition by local option.

"It is interesting at this time to recall the toast he made to the Allies when, as retiring President of the Association, he said on September 6, 1917: 'To our Allies—may they and we together soon celebrate the surrender of the last stronghold of autocracy in a world of universal liberty.' And he added cryptically '* * * for it is as certain as anything can be that the Imperial German Government aims at nothing less than to occupy toward the modern world the same relation which Imperial Rome occupied toward the ancient world 2,000 years ago.'

"During the six years of private life which intervened between his service in the Senate and his appointment to the bench, Justice Sutherland served, in 1921, as Chairman of the Advisory Committee to the International Armament Conference; and, in the same year, represented the United States Government at The Hague in the dispute with the Norwegian Government over requisitioning Norwegian ships during the war.

"An appointment to the Bench had been suggested for him for more than a dozen years prior to the time he was appointed and assumed his seat in the Supreme Court of the United States in 1922. It was not surprising that his former associate in the Senate, then President Harding, remembering Sutherland's frequent speeches on constitutional law on the floor of the Senate, and impressed with his learning and lucidity, should have made the appointment. He came to this Court as a leader to whom his country even then owed its gratitude for his contribution as a scholar, legislator, and statesman.

"He was an active member of the Court for sixteen years. His service extended even to a year after his retirement when he sat in an important case involving the misconduct of a member of the federal judiciary. When he died on July 18, 1942, at the age of 80, he left to his country a record of public service which extended over a period of nearly thirty years.

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On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

"Justice Sutherland frankly described himself as a conservative, and he brought to the Halls of Congress and later to the Bench the views of a conservative. That point of view did not, however, prevent him from vigorously advocating, while in the Senate, reforms in which he believed, such as postal-savings banks, employees' compensation, parcel post, the Railway Safety Appliance Act, and the Hours of Labor Act. He strongly advocated giving this Court the power to regulate practice in the Federal courts, and he was active as a member of the Statutory Revision Committee and the Joint Congressional Committee on Revision and Codification of the Law.

"Even though he opposed the application of federal power to the regulation of industrial evils, as enunciated in the *Adkins* case, he fervently supported the power of the national government in foreign affairs. As early as 1910, he was found vigorously endorsing the view that the federal government is not one of limited powers in the family of nations, but on the contrary is clothed with all the power inherent in sovereignty to deal with international affairs. 'It results that the investment of the federal government with the powers of external sovereignty,' he wrote in *U. S.* v. *Curtiss-Wright Corporation*, 'did not depend upon the affirmative grants of the Constitution. • • • As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of other members of the international family.'

"In the great tradition of this court, Justice Sutherland was vigilant in sustaining the fundamental personal rights guaranteed by the Federal Constitution. Speaking for the Court in *Powell* v. *Alabama*, for instance, he insisted on the right of the Scottsboro Negroes not only to have counsel but also sufficient time to prepare their defense.

"There was nothing inconsistent in his conviction that the court should protect individual as well as property rights. The philosophy of *laissez-faire* abhorred interference by the state with what were considered the competitive forces of nature and the free market place. These forces, it was believed, though harsh as they often proved to be, ultimately brought about the best possible results, namely, the survival of the fit. It was natural that men who held to the theory of the free market place should extend it from trade to ideas, and that they should be particularly concerned with the protection of freedom of speech. In *Grosjean* v. *American Press Co.*, in setting aside a state tax imposed on the owners of newspapers as a violation of the First Amendment, Justice Sutherland used these words: 'The predominant purpose of the grant of immunity here invoked was to preserve an untrammeled press as a vital source of public information • • •. Since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgment of the publicity

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On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

afforded by a free press cannot be regarded otherwise than with grave concern. * * * A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves.'

"This outlook was in keeping with the economic beliefs of John Stuart Mill and his eighteenth century followers, who still largely dominated English and American thinking, when, during his early years in the frontier State of Utah, the basis for Justice Sutherland's emotional and intellectual background was being laid. This background cannot be forgotten when making a fair appraisal of his views—views which have at times been so bitterly assailed. And when we observe that he said to a graduating class at Brigham Young University in 1941 that 'nobody worried about child labor' in that pioneer community in which his parents first settled, we better understand his point of view, and indeed that of many of his contemporaries. His philosophy sprang from an environment where the nineteenth century still lingered, untouched by the impact of life under conditions of modern mass production.

"Justice Sutherland will long be remembered by his friends and associates for his amiability and consideration for the feelings of others. He was warm, kind, and friendly to all who met him. His admirable qualities won him devoted friends, including many who disputed his views with a sincerity equal to his own. Those who worked with him knew his devotion to the business of the court; his painstaking examination of briefs and records; his absorption in the questions involved and his quiet courtesy to the members of the bar.

"I close with a quotation from an address made by Justice Sutherland while he was a Senator. It was on an occasion similar to this one:

> "While the stern necessities of living will not permit us to sit idly with the dead, it is fitting and proper that we pause in the conflict and pay passing tribute to the memory of those who, having borne with us the heat and stress of the struggle, have passed on to their final rest. It is appropriate that we reverently give expression to our gratitude for what they did and our appreciation of what they were."

The CHIEF JUSTICE said:

"Mr. Attorney General—For more than twelve years it was my privilege to sit on this Bench, in close association with Mr. Justice Sutherland. Your words stir in me, as they will in many others, intimate recollections of his genial and kindly personality and his high conception of the public service and of the duty of public officials. It is well too for us all to be reminded of his vision of the mission and greatness of his adopted country, and of his constant concern for

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The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America, Appellant, vs. Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson. — Appeal from the District Court of the United States for the District of Delaware.

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THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

the true dignity of this Court and the faithful performance of its great function of holding even the balances which measure the distribution of the powers of government under a written constitution.

"Justice Sutherland was one of the five Justices of this Court who were born in foreign lands. But his life experience and his outlook were typically American and typical also of those Justices who came to this Court from beyond the Mississippi River during the period between the outbreak of the Civil War and the first World War. Indeed, his life was a part of and symbolizes the epic story of the great west. His life in America began as a child in the mining camps of Montana and Utah. At twelve years of age he was working for his living in Salt Lake City. After two years at the Brigham Young Academy in Utah and a year spent at the University of Michigan, when he was twenty years of age, his formal education came to an end and he was admitted to the Bar in Michigan and in Utah, then a territory, where he began his practice of the law. Among all the demands and exigencies of a country law practice in a western pioneer community, later after he removed to Salt Lake City, and still later after he took up his practice in the District of Columbia, he continued, and in truth never ceased to be an assiduous student of the law, and especially of the problems growing out of the relations of law to government. After he removed to Salt Lake City in 1894 and until his appointment to this Bench in 1922, he frequently made addresses before Bar Associations and other public gatherings, which won wide attention by their felicity of expression, their philosophical bent, and their grasp of governmental and constitutional problems.

"He early became active in politics, supporting the movement for the suppression of polygamy in Utah and for restriction of the Mormon influence in the state government. His career in the House of Representatives, from 1902 to 1903, and for two terms in the Senate, from 1905 to 1917, marked him as a zealous student of public affairs and as an able and resourceful antagonist in debate. His diligent service on the committees of House and Senate, particularly the Judiciary Committee of the Senate and the Joint Committee on the Revision of the Federal Statutes, extended his knowledge of government and public affairs. It was knowledge which later enabled him to wield a potent influence in the deliberations of this Court.

"After his retirement from the Senate in 1917 he became President of the American Bar Association. In 1919 he delivered the Blumenthal Lectures at Columbia University on 'Constitutional Power and World Affairs,' in which he gave special attention to the war and treaty-making powers under the Constitution. He also served as a member of the Advisory Committee of the International Disarmament Conference held in Washington in 1921, and in 1922 as counsel for the

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ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

United States in the Norway-United States arbitration at the Hague for the adjustment of the dispute growing out of our seizure of Norwegian ships during the First World War.

"By this time he had become a national figure, generally recognized as a leading exponent of constitutional theory and practice. His selection in 1922 to succeed Mr. Justice Clarke as an Associate Justice of this Court was not unexpected and met with general approval. Chief Justice Taft then presided over this Court. With him and with Justice Van Devanter and Justice Butler, the newly appointed Justice shared substantially common views of law, government, and public policy, and in them especially he found congenial companions. But his relations with all of his associates were characterized by a personal regard and esteem which found their source in mutual respect and derived their strength from common devotion to the institution which they served. This friendly relationship with his colleagues rose above all differences of opinion and was ended only by his death on July 18, 1942, in his eightieth year, four years and six months from the day of his retirement from this Court.

"The period from the close of the Civil War to the time of Justice Sutherland's retirement constitutes an epoch in our constitutional history and in the history of this Court. That period saw the adoption of the Fourteenth Amendment, the expansion and, so far as we can now see, the culmination of the constitutional restraints of due process on state action in the field of business and economics. We already know that during the sixteen years that Justice Sutherland served on this Court he exercised a profound influence on the development of constitutional law, and especially on the interpretation of the Fourteenth Amendment. But only when the history of that time is viewed with the perspective which time alone can give to historic trends and events, will it be possible to appraise the permanence and the extent of that influence. It is too soon, and we are perhaps still too close to the smoke of battle to see clearly or to say with omniscient finality precisely how the great constitutional issues of that period should have been decided. Indeed, who would be so rash as to say now, despite shifting emphases and attitudes and the changes which time has brought and will bring, that Justice Sutherland's influence will not continue, perhaps in greater measure than today, to play its part in directing the current of our legal thinking. In any event wise men will not doubt that the viewpoint which he so ably represented must be reckoned with in the formulation of constitutional principles by a tribunal which must determine the boundaries and distribution of power under a federal constitutional system.

"In a time when it had become the fashion to classify men by labelling them, Justice Sutherland was labelled a conservative. It

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The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

is true, as he said of himself that his was the type of mind 'to put a great deal of faith in experience and very little in mere experiment.' He was profoundly convinced that ill considered experimentation in government in pursuit of passing fashions in legislation, and the loose governmental control of administrative officers would in the end prove to be the real enemies of true democracy, and a grave danger to constitutional government. Among those who did not share fully his views of constitutional functions, few would be so bold as to deny those dangers. He saw in these encroachments of government on the freedom of the individual, the perils of the oppressive exercise of governmental power which he held it was the design of the due process clause to prevent.

"He gave vigorous expression to these views in a series of opinions which stirred widespread public discussion of some of the most fundamental problems of constitutional government. Notable among them were his opinions holding unconstitutional the legislative regulation of the wages of women in *Adkins* v. *Children's Hospital*, 261 U. S. 525; the regulation of the fees of employment agencies in *Ribnik* v. *McBride*, 277 U. S. 350; the regulation of the resale price of theatre tickets in *Tyson* v. *Banton*, 273 U. S. 418; and a statute prohibiting the operation of drugstores owned by corporations whose stockholders were not licensed pharmacists in *Liggett* v. *Baldridge*, 278 U. S. 105.

"Let it be said that the so-called conservative temper of these opinions was not inspired by any antagonism to progress in the law, but rather by the emphasis which Justice Sutherland placed on the constitutional protection of the few from the tranny of the many. Indeed, these opinions were but steps in the process of finding solutions of what perhaps has been the greatest problem of constitutional interpretation throughout the twentieth century, the need to bring into proper balance the competing demands, on the one hand that constitutional sanctions shall safeguard the individual from the abuse of power by the majority, and on the other that the Constitution be not so interpreted as to clothe the individual with power to restrict unduly the welfare and progress of the community as a whole.

"Sound legal principles adequate to meet all the vicissitudes of human experience never sprang full-fledged from the brains of any man or group of men. They are the ultimate resultant of the abrasive force of the clash of competing and sometimes conflicting ideas—ideas which are rooted in different experiences and different appraisals of all the multifarious interests which it is the concern of government to foster and protect. The time will come when it will be recognized, perhaps more clearly than it is at present, how fortunate it has been for the true progress of the law that at a time when the trend was

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On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

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ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

in the opposite direction, there sat upon this Bench a man of stalwart independence, and of the purest character who, without a trace of intellectual arrogance, and always with respectful toleration for the views of colleagues who differed with him, fought stoutly for the constitutional guaranties of the liberty of the individual. As one of those who sometimes differed, I shall ever hold in grateful remembrance this contribution of Justice Sutherland to the work of the Court.

"It would be a grave error to suppose for a moment that Justice Sutherland did not see and appreciate the need of progress in the law. In an address as President of the American Bar Association he said: 'I am not in favor of standing still. Of course we must have advance, but we must at our peril distinguish between real progress and what amounts to a mere manifestation of the speed mania. Among the games of the ancient Greeks there was a running match in which each participant carried a lighted torch. The prize was awarded not to the one who crossed the line first, but to him who crossed the line first with his torch still burning.' Justice Sutherland was a consistent advocate of progress in the law, but he wished to make progress with the torch of the law still burning. While he was a vigorous opponent of the now forgotten proposals for the recall of judicial decisions, he was an equally vigorous advocate of the adoption of laws for the improvement of the postal service, of workmen's compensation laws and the Safety Appliance Act. He was especially interested in legislation for the relief of working conditions of seamen, and as a Justice he was deeply interested in the cases involving their rights under such legislation.

"He never thought of the law as a cut and dried system and he realized that if it is to perform its true function it must be flexible enough to be adaptable to the changing conditions of a changing world. His belief that the law carries within it the germ of its own capacity for growth is illustrated and admirably stated in his opinion in *Funk* v. *United States*, 290 U. S. 371, 380-386, which rejected, as outmoded, the common law rule disqualifying a wife from testifying in behalf of her husband in a criminal trial. His opinion in *Radice* v. *New York*, 264 U. S. 292, sustaining the constitutionality of a statute prohibiting women's work at night, and in *Euclid* v. *Ambler Realty Co.*, 272 U. S. 365, upholding the constitutionality of zoning ordinances, are illuminating examples of the application of constitutional principles to new situations. His decision in the Scottsboro cases, *Powell* v. *Alabama*, 287 U. S. 45, that the Fourteenth Amendment requires a state court to so conduct a criminal trial as not to deprive the defendant of the benefit of counsel, opened a new and important chapter in the judicial history of civil liberty.

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On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

"Justice Sutherland's sixteen years' service on this Court were marked throughout by his diligence in carrying on the work of the Court, his unusual capacity for sustained productive work, and his complete fidelity to the highest interests of the Court as an institution. His opinions are models of legal exposition. He wrote easily, with graceful lucidity and developed the principles of decision with logical and persuasive power.

"When he laid aside his judicial labors, he left the Court with the personal esteem and affectionate regards of all his associates. Chief Justice Hughes then rightly said to him: 'Not only have you brought to our deliberations learning and dialectical skill, a wide knowledge of affairs enriched by varied and eminent public service, and a habit of thoroughness and precision, but you have matched tenacity of purpose with an unvarying kindliness and have mellowed our deliberations with unfailing humor.'

"As we recall the years of Justice Sutherland's service on this Court, in the common endeavor with his colleagues to attain the ideal of justice under law, we cherish the recollection of this man's integrity and sturdy independence, and his devoted loyalty to a great task. Let our memory of him remind us that these, rather than unanimity of thought and opinion of those who must shape the course of law, are the indispensable qualities of the judge, without which justice will not prevail."

No. 70. Ex parte Mitsuye Endo. On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the Northern District of California reversed and cause remanded to said District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Murphy. Opinion by Mr. Justice Roberts concurring in the result.

No. 43. The United States of America, appellant, v. Margaret M. Johnson and Mary E. Layton, doing business as The United States Dental Company, and Boyle Clark Johnson. Appeal from the District Court of the United States for the District of Delaware. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 22. Fred Toyosaburo Korematsu, petitioner, v. The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the

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On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The entire record in this case having been ordered certified in accordance with 28 U. S. C., Sec. 346, this cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Northern District of California in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Opinion by Mr. Justice Roberts concurring in the result.

The United States of America,
Appellant,

43 vs.

Margaret M. Johnson and Mary E. Layton, Doing Business as the United States Dental Company, and Voyle Clark Johnson.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

Fred Toyosaburo Korematsu,
Petitioner,
22 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.
Dissenting opinion by Mr. Justice Jackson.
Dissenting opinion by Mr. Justice Murphy.
Dissenting opinion by Mr. Justice Roberts.

The Wallace Corporation,
Petitioner,
66 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

Richwood Clothespin & Dish Workers' Union,

Petitioner,

67 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

Bester William Steele,

Petitioner,

45 vs.

Louisville & Nashville Railroad Company, Brotherhood of Locomotive Firemen and Enginemen, et al.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Black concurs in the result.
Concurring opinion by Mr. Justice Murphy.

Tom Tunstall,

Petitioner,

37 vs.

Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76, Port Norfolk Lodge No. 755, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy concurs in the result.

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Robert Noble and Ellis O. Jones,

Petitioners,

—— vs.

Claude O. Botkin.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

—— vs.

Alfred P. Dowd, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

vs.

T. P. Sullivan, Director of Public Safety, etc.

ON CONSIDERATION of the application submitted herein by Francis Haines,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Edward Hawkins,

Petitioner,

vs.

People of the State of Illinois.

ON CONSIDERATION of the application submitted herein by James Edward Hawkins,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward White,

Petitioner,

vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the application submitted herein by Edward White,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Theodore James Audett,

Petitioner,

—— vs.

The United States of America.

ON CONSIDERATION of the motion for a rule of law herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

—— vs.

Warden of Kilby Prison.

ON CONSIDERATION of the application for appointment of counsel herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred A. Hughes, et al.,

Appellants,

—— vs.

Caddo Parish School Board, et al.

UPON CONSIDERATION of the motion for a stay and the opposition thereto, It is hereby ordered that upon the docketing of this cause in this Court, the status quo be preserved until the final disposition of the cause in this Court by restraining and enjoining the appellees from attempting to enforce against the appellants or their children the resolution of the Caddo Parish School Board of Caddo Parish, Louisiana, adopted September 6, 1944, under and pursuant to Act No. 342 of the Legislature of Louisiana for the year 1944, or the said Act No. 342:

IT IS FURTHER ORDERED that the stay and injunction herein ordered shall be effective and operative only on the condition that appellants shall post a bond in the penal sum of $500, to be approved by the Chief Justice, conditioned upon the pavment to appellees, in the event that this appeal

is dismissed or the judgment affirmed, of all damages and costs which they, or any of them, may sustain by reason of the making of this order.

Per Mr. Chief Justice Stone.

Carolene Products Company, et al.,

Petitioners,

21 vs.

The United States of America.

ON CONSIDERATION of the motion to stay the mandate in this case until January 27, 1945,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rafael Buscaglia, Treasurer of Puerto Rico, et al.,

Petitioners,

728 vs.

The District Court of San Juan, et al.

It is ordered that the mandate of the United States Circuit Court of Appeals in this case be, and the same is hereby, stayed to and including January 2, 1945.

Per Mr. Chief Justice Stone.

Railway Mail Association,

Appellant,

691 vs.

Edward S. Corsi, as Industrial Commissioner of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Corn Products Refining Company and Corn Products Sales Company,

Petitioners,

680 vs.

Federal Trade Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. F. Fitzgerald Construction Company,

Petitioner,

462 vs.

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself, etc.

A petition for rehearing having been filed in this case by counsel for petitioner to remove the limitation imposed by order of November 6, 1944, granting the petition for certiorari herein,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted, and the order of November 6, 1944, is vacated.

IT IS FURTHER ORDERED that the petition for certiorari herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. M. Jones and William H. Jones,
Petitioners,
417 vs.
Hal V. Watts, United States District Clerk and M. F. Hammond, United States Marshal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. D. (Doc) Bennett,
Petitioner,
679 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Paul Fox,
Petitioner,
655 vs.
Alcoa Steamship Company, et al.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Paul Fox,

Petitioner,

655 vs.

Alcoa Steamship Company and War Shipping Administration, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lillian Robison, Administratrix of the Estate of Wayne Robison, Deceased,

Petitioner,

422 vs.

Northern Pacific Railway Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lillian Robison, Administratrix of the Estate of Wayne Robison, Deceased,

Petitioner,

422 vs.

Northern Pacific Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil Snow,

Petitioner,

483 vs.

Michael J. Roche, District Judge,
United States District Court,
Northern District of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cecil Snow,

Petitioner,

483 vs.

Michael J. Roche, District Judge,
United States District Court,
Northern District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Henry Robinson, Jr.,
Petitioner,
514 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Davis,
Petitioner,
535 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul Davis,
Petitioner,
535 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

552 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

552 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

607 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

607 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Gause,

Petitioner,

616 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Gause,

Petitioner,

616 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul S. Campbell,

Petitioner,

622 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul S. Campbell,

Petitioner,

622 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Broadnax,

Petitioner,

636 vs.

People of the State of California, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward Broadnax,

Petitioner,

636 vs.

People of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Kotek,

Petitioner,

627 vs.

State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Kotek,

Petitioner,

627 vs.

State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law. Sec. 8(a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. sec. 350.

Per Mr. Chief Justice Stone.

Arthur Lewis,

Petitioner,

643 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Lewis,

Petitioner,

643 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law. Sec. 8(a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

Per Mr. Chief Justice Stone.

Robert George Banks,

Petitioner,

661 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert George Banks,

Petitioner,

661 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law. Sec. 8(a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Gene McCann,

Petitioner,

631 vs.

E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Gene McCann,

Petitioner,

631 vs.

E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

ON CONSIDERATION of the motion of J. F. X. Finn, et al., for leave to file a memorandum in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Gene McCann,

Petitioner,

631 vs.

E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

ON CONSIDERATION of the application for other relief in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Gene McCann,

Petitioner,

631 vs.

E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

33 vs.

C. C. Harmon.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clowrene Gentry Hoehn, et al.,

Petitioners,

541 vs.

Ralph Crews, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Thomas Fitzgerald,

Petitioner,

540 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that petitioner has filed a motion to dismiss the petition for writ of certiorari herein,

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Tuesday, January 2, 1945, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Frank B. Reid, Esquire, of Eugene, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dickinson, It is ordered that Richard Norris Clattenburg, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and Richard Robinson Bongartz, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Berman, It is ordered that Eugene A. Alexander, III, Esquire, of Baltimore, State of Maryland, and Theodore B. Berman, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Marshall, It is ordered that James M. Yeatman, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Mannis, It is ordered that Heaton L. Wrenn, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Leisure, It is ordered that Robert W. Purcell, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Charles M. Sullivan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Clark, It is ordered that Horace L. Walker, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Charles C. Crouch, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Ayers, It is ordered that Frederick Fishman, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Margiotti, It is ordered that Vincent M. Casey, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Grady Head, It is ordered that Claude Donald Shaw, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Petitioner,
65 vs.
Waddill, Holland & Flinn, Inc., et al.

On writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Jackson.

The United States of America, Appellant,
106 vs.
Herman Rosenwasser, an Individual Doing Business Under the Firm Name and Style of Perfect Garment Company.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Roberts.

Georgia Hardwood Lumber Company,
Petitioner,
vs.
Compania De Navegacion Transmar, S. A., Owner of SS. Kotor.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Georgia.

Per Mr. Justice Douglas.

Willard Irwin Singer and Martin H. Singer,
Petitioners,
vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

30

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court as follows: The writ of certiorari as to Martin H. Singer is dismissed and the cause is remanded to the District Court of the United States for the Western District of Pennsylvania for such disposition as law and justice require. The judgment of the Circuit Court of Appeals respecting Willard I. Singer is affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Rutledge join.

The City of Cleveland,

Appellant,

68 vs.

The United States of America and Federal Public Housing Authority.

John J. Boyle, County Treasurer of Cuyahoga County, John A. Zangerle, County Auditor of Cuyahoga County, et al.,

Appellants,

69 vs.

The United States of America and Federal Public Housing Authority.

Appeals from the District Court of the United States for the Northern District of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Ohio and was argued by counsel.

ON CONSIDERATION whereof, it is ordered and adjudged by this Court that the judgment of the said District Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Federal Public Housing Authority, Formerly United States Housing Authority,

Appellant,

388 vs.

George Guckenberger, Auditor, Hamilton County, Ohio, and Ethel Skirvin.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Industrial Addition Association,
Petitioner,
118 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Roscoe A. Coffman,
Appellant,
71 vs.
Breeze Corporations, Inc., and
The United States of America.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Roscoe A. Coffman,
Appellant,
485 vs.
Federal Laboratories, Inc., and The United States of America.

Appeal from the District Court of the United States for the Western District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Ira J. McCullough,
Petitioner,
46 vs.
Kammerer Corporation and Baash-Ross Tool Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following orders of the Court:

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Mart M. Monaghan,
Appellant,
vs.
Maude D. Armatage, Henry H. Bank, Edward A. Chalgren, et al.

Appeal from the Supreme Court of the State of Minnesota.

705

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED and adjudged by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Parke, Davis & Company,
Appellant,
vs.
J. Eugene Cook, Commissioner of Revenue of Georgia.

Appeal from the Supreme Court of the State of Georgia.

713

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED and adjudged by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

IT IS ORDERED that the official bond for $20,000, required of the Clerk and duly executed by him and The Aetna Casualty and Surety Company, on December 23, 1944, and approved by the Chief Justice, shall be recorded and deposited with the Attorney General for safekeeping.

Per Mr. Chief Justice Stone.

Which said bond is in the following words and figures, viz:

"53 S 13,452

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY, as principal, and THE AETNA CASUALTY AND SURETY COMPANY, Hartford, Connecticut, as surety, are held and firmly bound unto the United States of America in the penal sum of TWENTY THOUSAND ($20,000.) DOLLARS lawful money of the United States, to be paid to the said United States of America or their certain attorney, to which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

"Sealed with our seals and dated this 23d day of Dec., A. D. 1944.

"WHEREAS, the above bounden CHARLES ELMORE CROPLEY hath been appointed Clerk of the Supreme Court of the United States.

"NOW THEREFORE, the condition of the above obligation is such that if he, the said CHARLES ELMORE CROPLEY, shall faithfully discharge the duties of his said office, and seasonably record the decrees, judgments and determinations of the said Supreme Court of

the United States, then this obligation to be void, otherwise, to remain in full force and virtue in law.

"Signed, sealed and delivered
in the presence of:

R. deB. Waggaman

Elsie L. Douglas

Annette H. Herrman

Edith A. Anderson

CHARLES ELMORE CROPLEY
Charles Elmore Cropley

THE AETNA CASUALTY AND SURETY COMPANY
(SEAL)
By: Eugene Fields
Eugene Fields, Attorney-in-Fact.

Approved December 23rd, 1944, by order of the Court.

HARLAN F. STONE
Chief Justice of the United States."

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O R D E R

IT IS ORDERED that the bond for $100,000 additional to his official bond required of the Clerk by order of the Court dated June 6, 1927, and duly executed by him and The Aetna Casualty and Surety Company on December 23, 1944, and approved by the Chief Justice, shall be deposited with the Attorney General for safekeeping.

Per Mr. Chief Justice Stone.

Which said bond is in the following words and figures, viz:

"53 S 13,453

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY, Clerk of the Supreme Court of the United States, as principal, and THE AETNA CASUALTY AND SURETY COMPANY, Hartford, Connecticut, as surety, are held

and firmly bound unto the United States of America, for the benefit of the litigants in the Supreme Court of the United States and of all others, as their interests may appear, in the penal sum of ONE HUNDRED THOUSAND ($100,000.) DOLLARS lawful money of the United States, to be paid to the said United States for the benefit of the said litigants and of all others, as their interests may appear, for which payments, well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

"Sealed with our seals, and dated this 23d day of December, 1944.

"NOW THEREFORE, the condition of this bond is such that if the said CHARLES ELMORE CROPLEY, Clerk as aforesaid, shall well and truly perform the services for which moneys by law or under the rules of the Court are advanced or paid to him, and shall truly and faithfully account for such moneys thus advanced or paid, and for any excess thereof after the services are rendered, and also for all other moneys received by him as such Clerk, in accordance with law or the orders of this Court, then this obligation to be void; otherwise to remain in full force and virtue in law.

Witnesses:

R. deB. Wagaman

Elsie L. Douglas

Annette H. Herrman

Edith A. Anderson

CHARLES ELMORE CROPLEY
Charles Elmore Cropley

THE AETNA CASUALTY AND SURETY COMPANY
(SEAL)

By: EUGENE FIELDS
Eugene Fields, Attorney-in-Fact.

Approved December 23rd, 1944, by order of the Court.

HARLAN F. STONE
Chief Justice of the United States."

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The following order was adopted by the Supreme Court on December [illegible], 1944:

O R D E R

IT IS ORDERED that Rules of Criminal Procedure for the District Courts of the United States governing proceedings in criminal cases prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty, be prescribed pursuant to the Act of June 29, 1940, c. 445, 54 Stat. 688. And the Chief Justice is authorized and directed to transmit the Rules as prescribed to the Attorney General and to request him, as provided in that Act, to report these Rules to the Congress at the beginning of the regular session in January, 1945.

Mr. Justice Black states that he does not approve of the adoption of the Rules.

Mr. Justice Frankfurter does not join in the Court's action for reasons stated in a memorandum opinion.

Per Mr. Chief Justice Stone.

MEMORANDUM OF MR. JUSTICE FRANKFURTER.

That the federal courts have power, or may be empowered, to make rules of procedure for the conduct of litigation has been settled for a century and a quarter (Wayman v. Southard, 10 Wheat. 1). And experience proves that justice profits if the responsibility for such rule-making be vested in a small, standing rule-making body rather than be left to legislation generated by particular controversies. These views make me regret all the more not to be able to join my brethren in the adoption of the Rules of Criminal Procedure of the District Courts of the United States.

By withholding approval of the adoption of the rules I do not imply disapproval. I express no opinion on their merits. With all respect to contrary views, I believe that this Court is not an appropriate agency for formulating the rules of criminal procedure for the district courts.

From the beginning of the nation down to the Evarts Act of 1891, though less and less after the Civil War, the members of this Court rode circuit. They thus had intimate, first-hand experience with the duties and demands of trial courts. For the last fifty years the Justices have become necessarily removed from direct, day-by-day contact with trials in the

district courts. To that extent they are largely denied the first-hand opportunities for realizing vividly what rules of procedure are best calculated to promote the largest measure of justice. These considerations are especially relevant to the formulation of rules for the conduct of criminal trials. These closely concern the public security as well as the liberties of citizens.

And this leads to another strong reason for not charging this Court with the duty of approving in advance a code of criminal procedure. Such a code can hardly escape provisions in which lurk serious questions for future adjudication by this Court. Every lawyer knows the difference between passing on a question concretely raised by specific litigation and the formulation of abstract rules, however fully considered by members of the lower courts and the bar. I deem it unwise to prejudge, however unintentionally, questions that may in due course of litigation come before this Court by having this Court lay down rules in the abstract rather than deciding issues coming here with the impact of actuality and duly contested.

And there is one more important consideration. The business of this Court is increasing in volume and complexity. In the years ahead the number of cases will not decrease nor their difficulties lessen. The jurisdiction of this Court has already been cut almost to the bone. If the Court is not to be swamped, as it has been in the past, and is to do its best work, it must exercise rigorously its discretionary jurisdiction. Every additional duty, such as responsibility for fashioning progressive codes of procedure and keeping them current, makes inroads upon the discharge of functions which no one else can exercise.

Brief as is this statement, it can leave no room for doubt that the reasons which have constrained me from withholding approval of adoption of the rules completely transcend judgment of their merits.

December 26, 1944.

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The following order was adopted by the Supreme Court on December 30, 1944.

O R D E R

IT IS ORDERED that the following rule regulating criminal appeals by the United States be prescribed, pursuant to the Act of May 9, 1942, 56 Stat. 271:

"Rules of criminal procedure after plea of guilty, or verdict or finding of guilt, promulgated from time to time pursuant to the Act of February 24, 1933, c. 119 (47 Stat. 904) as amended shall be applicable to appeals by the United States under the Act of May 9, 1942, c. 295, §1 (56 Stat. 271), 18 U. S. C. 682, except that the time for taking such appeals shall be as prescribed by the said Act of May 9, 1942."

And the Chief Justice is authorized and directed to transmit the rule as prescribed to the Attorney General and to request him, as provided in that Act to report the rule to the Congress at the beginning of the regular session in January next.

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Ex parte Frank Johnson,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mary A. Ruthven,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas Herndon,
Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Vergil D. McMillan,
Petitioner.

ON CONSIDERATION of the application submitted herein by Vergil D. McMillan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles M. Keyser,
Petitioner.

ON CONSIDERATION of the application submitted herein by Charles M. Keyser,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,
Petitioner,

--- vs.

Richard J. Hopkins.

ON CONSIDERATION of the application submitted herein by Daisy D. Wilson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Ross Wagner,
Petitioner,

--- vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the petition for writ of certiorari submitted herein by George Ross Wagner,

IT IS ORDERED by this Court that the said petition be, and the

Estate of John S. Garrett, Jr.,
Deceased, Bankrupt, etc.,

Petitioner,

467 vs.

Reynold H. Greenberg, Trustee,
etc., et al.

ON CONSIDERATION of the motion for a stay of the proceedings in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Copperweld Steel Company,

Appellant,

684 vs.

Industrial Commission of Ohio.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

The Borden Company,

Petitioner,

688 vs.

Joseph Borella, Charles J. Burke,
Walter Cross, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

United Brotherhood of Carpenters and Joiners of America,

Petitioner,

666 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America, et al.,

Petitioners,

667 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al.,

Petitioners,

668 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alameda County Building and Construction Trades Council,

Petitioner,

674 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al.,

Petitioners,

675 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Allen Bradley Company, Allis-Chalmers Manufacturing Company, et al.,

Petitioners,

702 vs.

Local Union No. 3, International Brotherhood of Electrical Workers, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for hearing immediately following No. 675, Boorman Lumber Co. vs. United States.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Jewell Ridge Coal Corporation, Order allowing certiorari.

Petitioner,

721 vs.

Local No. 6167, United Mine Workers of America, an Unincorporated Association, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission, City and County of Denver, etc.; and

Canadian River Gas Company,

Petitioner,

380 vs.

Federal Power Commission, City and County of Denver, etc.

A petition for rehearing and for enlargement of the scope of review having been filed in case No. 380 by counsel for the Canadian River Gas Company,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition for rehearing in case No. 380 be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the order entered November 13, 1944, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted limited to questions 1, 2, 3, and 8 presented by the petition for the writ and the case is assigned for argument immediately following No. 379. Case No. 379 is transferred to the summary docket.

IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

The Standard Oil Company, an Ohio Corporation, et al.,

Petitioners,

204 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lino Padron Rivera,

Petitioner,

299 vs.

The People of Puerto Rico, ex rel. Luis A. Castro.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Segal Lock & Hardware Company, Inc., Norwalk Lock Company and Louis Segal,

Petitioners,

657 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nuway Laundry Company,
Petitioner,
687 vs.
Chester Bowles, Administrator,
Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Warner Coal Corporation, Debtor,
Petitioner,
698 vs.
Costanzo Transportation Company,
Wheeling Gasoline & Oil Company,
et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carola Hunter and Robert Hunter,
Petitioners,
700 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Utah State Tax Commission, J. Lambert Gibson, Heber Bennion, Jr., et al., etc.,

Petitioners,

706 vs.

Southern Pacific Company.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Utah, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

707 vs.

Estate of Alexander J. Shamberg, Deceased, Isidor W. Shamberg, Administrator.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

708 vs.

Estate of Caroline White, Deceased, Waldron Kintzing Post, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Pauline P. Weil, et al., as Executors of the Estate of J. B. Weil, Deceased,

Petitioners,

722 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rafael Buscaglia, Treasurer of Puerto Rico, et al.,

Petitioners,

728 vs.

The District Court of San Juan, Hon. Marcelino Romani, Judge, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Carrier-Call and Television Corporation,

Petitioner,

672 vs.

Radio Corporation of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Annie May Bradley,

Petitioner,

586 vs.

Lena M. Bradley and The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Annie Mae Bradley,

Petitioner,

586 vs.

Lena M. Bradley and The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William G. Henry,

Petitioner,

641 vs.

Bert O. Webb, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William G. Henry,
Petitioner,
641 vs.
Bert O. Webb, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,
Petitioner,
660 vs.
The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,
Petitioner,
660 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abner Flansburg,

Petitioner,

685 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Abner Flansburg,

Petitioner,

685 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh Lee Baker,

Petitioner,

686 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hugh Lee Baker,

Petitioner,

686 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lester Barnard,

Petitioner,

693 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lester Barnard,

Petitioner,

693 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alvin Scheib,

Petitioner,

696 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Alvin Scheib,

Petitioner,

696 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Doyle,

Petitioner,

697 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Doyle,

Petitioner,

697 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard O'Neill,

Petitioner,

701 vs.

Walter Miersheimer, Warden of the Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard O'Neill,

Petitioner,

701 vs.

Walter Miersheimer, Warden of the Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Francis McKenna,

Petitioner,

712 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Francis McKenna,

Petitioner,

712 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court, Kings County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court, Kings County, State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Rios,

Petitioner,

715 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Rios,

Petitioner,

715 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Fritz,

Petitioner,

716 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Fritz,

Petitioner,

716 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lee Michalowski,

Petitioner,

724 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lee Michalowski,

Petitioner,

724 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otis Dawson,

Petitioner,

734 vs.

The State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Otis Dawson,
Petitioner,
734 vs.
The State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Adams,
Petitioner,
735 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Anthony Adams,
Petitioner,
735 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Hall,

Petitioner,

736 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Hall,

Petitioner,

736 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Glazier,

Petitioner,

737 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gerald Glazier,

Petitioner,

737 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rudolph R. Malleck,

Petitioner,

741 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rudolph R. Malleck,

Petitioner,

741 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Gall,

Petitioner,

742 vs.

Criminal Court of Cook County,
Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Gall,

Petitioner,

742 vs.

Criminal Court of Cook County,
Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Loughren,

Petitioner,

743 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby granted.

Per Mr. Chief Justice Stone.

George Loughren,

Petitioner,

743 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Naples,

Petitioner,

745 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Naples,

Petitioner,

745 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Floyd A. Morrison,

Petitioner,

746 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Floyd A. Morrison,

Petitioner,

746 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry P. Berry,

Petitioner,

760 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry P. Berry,
Petitioner,
760 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Beatrice Miller Montanye,
Petitioner,
659 vs.
The State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Beatrice Miller Montanye,
Petitioner,
659 vs.
The State of New York.

On petition for writ of certiorari to the Court of Claims of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims of the State of New York, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of a judgment of the highest court of the state in which a decision could be had.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Winfred William Lynn,

Petitioner,

941 O.T. 1943 vs.

Colonel John W. Downer, Commanding
Officer at Camp Upton, New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

—— vs.

Ralph S. Hinman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Saxe,

Petitioner,

—— vs.

Robert A. Heinze, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armour and Company,

Petitioner,

73 vs.

Adam Wantock and Frank Smith

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil J. Sonderlick,

Petitioner,

498 vs.

Thomas J. Hallinan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil J. Sonderlick,

Petitioner,

499 vs.

The Emigrant Industrial Savings Bank.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alton Crapo,

Petitioner,

567 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Curators of the Central College,

Appellant,

611 vs.

Mary E. Rose, Collector of Revenue of Howard County, Missouri.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abraham Jeskowitz,

Petitioner,

658 vs.

Lester H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Mary Burgin Potts,

Petitioner,

719 vs.

Hubert H. Potts.

ON CONSIDERATION of the application to extend the time within which to file brief in support of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 8, 1945.

Per Mr. Chief Justice Stone.

Julius H. Miner, as Judge of the Circuit Court of Cook County, et al.,

Petitioners,

753 vs.

The People of the State of Illinois, ex rel. Benefit Association of Railway Employees, etc., et al.

ON CONSIDERATION of the application to extend the time within which to file respondent's brief in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 27, 1945.

Per Mr. Chief Justice Stone.

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State of Georgia,

Complainant,

——, Original vs.

The Pennsylvania Railroad Company, et al.

Argued on the returns to the rule to show cause by Mr. John Dickinson for the defendants Pennsylvania Railroad Co., et al.; by Mr. George S. Leisure for the defendants The Chesapeake and Ohio Railway Co., et al.; by Mr. Sidney S. Alderman for the defendants Southern Railway Co., et al.; and by Mr. Ellis Arnall for the complainant; and submitted by Mr. W. R. C. Cocke for the defendant Seaboard Air Line Railway Co.

W. G. Choate,

Petitioner,

93 vs.

Commissioner of Internal Revenue.

Argued by Mr. James H. Yeatman for the petitioner and by Mr. Joseph S. Platt for the respondent.

Clarence W. Blair,

Petitioner,

265 vs.

Baltimore & Ohio Railroad Company.

Argument commenced by Mr. J. Thomas Hoffman for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that Frank H. Medinger, Esquire, of New York, State of New York; Don E. Cooper, Esquire, of New York, State of New York; Francis W. Phillips, Esquire, of New York, State of New York; Luke W. Finlay, Esquire, of New York, State of New York; and Judson C. McLester, Jr., Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Howard Mann, It is ordered that William M. Connelly, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Howard Mann, It is ordered that Charles Janvier, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Panhandle Eastern Pipe Line Company, Illinois Natural Gas Company, et al.,

Petitioners,

296 vs.

Federal Power Commission, City of Detroit, County of Wayne, Michigan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

A motion for leave to file a petition for rehearing and petition for rehearing having been submitted in this case to enlarge the scope of review,

Upon consideration thereof, it is ordered by this Court that the motion for leave to file and petition for rehearing be, and the same are hereby, granted.

The order of November 13, 1944, granting certiorari is vacated. The petition for writ of certiorari herein is granted limited to questions 2 and 3 presented by the petition for the writ.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

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Clarence W. Blair,

Petitioner,

265 vs.

Baltimore & Ohio Railroad Company.

Argument continued by Mr. J. Thomas Hoffman for the petitioner; by Mr. Charles J. Margiotti for respondent; and concluded by Mr. J. Thomas Hoffman for the petitioner.

The Connecticut Light and Power Company,

Petitioner,

189 vs.

Federal Power Commission.

Three hours allowed for oral argument. Argument commenced by Mr. Claude R. Branch for the petitioner; continued by Mr. Gay H. Brown for the petitioner; by Mr. John E. Benton for Public Utilities Commission of Connecticut, The State of Connecticut, and the National Association of Railroad and Utilities Commissioners, as amici curiae, by special leave of Court; by Mr. Assistant Attorney General Shea for the respondent; and concluded by Mr. Claude R. Branch for the petitioner.

Guaranty Trust Company of New York,

Petitioner,

264 vs.

Grace W. York.

Argument commenced by Mr. John W. Davis for the petitioner.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Tyler McConnell, It is ordered that Gerard Patrick Kavanaugh, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Branch, It is ordered that Lawrence A. Howard, Esquire, of Hartford, State of Connecticut, and Leslie Henry, Esquire, of Toledo, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Mason, It is ordered that Clarence J. Loftus, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guaranty Trust Company of New York,

Petitioner,

264 vs.

Grace W. York.

Argument continued by Mr. John W. Davis for the petitioner and concluded by Mr. Meyer Abrams for the respondent. Leave granted petitioner to file reply brief within one week and leave granted respondent to file a memorandum within that time.

City Bank Farmers Trust Company, formerly known as the Farmers Loan and Trust Company, as Administrator, etc.,

Petitioner,

294 vs.

George T. McGowan, Collector of Internal Revenue, etc.

Argued by Mr. James Lloyd Derby and Mr. J. Seymour Montgomery for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark for the respondent.

Fidelity-Philadelphia Trust Company, et al., executors, etc.,

Petitioners,

263 vs.

Walter J. Rothensies, individually, etc.

Argument commenced by Mr. C. Russell Phillips for the petitioners and continued by Mr. L. W. Post for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert P. Wagner, It is ordered that Francis J. Quillinan, Esquire, of New York, State of New York; Max J. Rubin, Esquire, of New York, State of New York; and Sidney R. Mussenfeld, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Chapman Revercomb, It is ordered that J. G. F. Johnson, Esquire, of Point Pleasant, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Cecil E. Burney, Esquire, of Corpus Christi, State of Texas, and John E. Lyle, Jr., Esquire, of Corpus Christi, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald R. Richberg, It is ordered that Richard C. Winkler, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick C. Fiechter, Jr., It is ordered that William T. Matthews, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that James Powers McGuire, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis G. Boswell, It is ordered that Daniel M. Marodick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Collins Denny, Jr., It is ordered that J. M. Townsend, Esquire, of Petersburg, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fidelity-Philadelphia Trust Company, et al., Executors, etc.,

Petitioners,

263 vs.

Walter J. Rothensies, Individually, etc.

Argument concluded by Mr. C. Russell Phillips for the petitioners.

Commissioner of Internal Revenue,

Petitioner,

578 vs.

Estate of Lester Field, deceased, et al.

Argued by Mr. L.W. Post for the petitioner and by Mr. Edgar J. Bernheimer for the respondents.

Canadian Aviator, Limited,

Petitioner,

279 vs.

The United States of America.

Argued by Mr. Eugene Underwood for the petitioner and by Mr. Assistant Attorney General Shea for the respondent.

Hattie Mae Tiller, Executor, etc.,

Petitioner,

335 vs.

Atlantic Coast Line Railroad Company.

Argued by Mr. J. Vaughan Gary for the petitioner and by Mr. Collins Denny, Jr., for the respondent.

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Proclamation being made the Court is adjourned until Monday next, at twelve o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Payne H. Ratner, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roland Rice, It is ordered that Ray Glenn Atherton, Esquire, of Oklahoma City. State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peter P. Zion, It is ordered that Hirsh W. Stalberg, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Harvey G. Foster, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Harold A. Black, Esquire, of Los Angeles, State of

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Lewis T. Wray, Esquire, of Saint Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. C. Sullivan, It is ordered that Albert Foreman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Kenneth Meiklejohn, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Paul J. Gaiser, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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R. J. Thomas, Appellant, vs. H. W. Collins, Sheriff of Travis County, Texas. — Appeal from the Supreme Court of the State of Texas.

14

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Concurring opinion by Mr. Justice Jackson.
Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.
Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice Reed, and Mr. Justice Frankfurter join.

The Western Union Telegraph Company,

Petitioner,

49 vs.

Katharine F. Lenroot, Chief of the Children's Bureau, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

Charles Williams,

Petitioner,

102 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

O. C. Tomkins,
Petitioner,
64 vs.
The State of Missouri.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts and Mr. Justice Frankfurter.

Ford Motor Company,
Petitioner,
75 vs.
Department of Treasury of the State of Indiana, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated at the cost of petitioner; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana with directions to dismiss the complaint for want of consent by the State of Indiana to the suit.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

National Metropolitan Bank, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

161

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Black.

Mr. Justice Douglas concurs in the result.
Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. General Motors Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

76

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Murphy took no part in the consideration or decision of this case.
Opinion by Mr. Justice Douglas concurring in part in which Mr. Justice Black joins.

Hartford-Empire Co., F. Goodwin Smith, Bartlett Arkell, et al.,

Appellants,

2 vs.

The United States of America;

Corning Glass Works, Empire Machine Co., Alexander D. Falck, et al.,

Appellants,

3 vs.

The United States of America;

Owens-Illinois Glass Co., William E. Levis, E. P. Martin, et al.,

Appellants,

4 vs.

The United States of America;

Hazel-Atlas Glass Co., J. Harrison McNash, Walter H. McClure, et al.,

Appellants,

5 vs.

The United States of America;

Thatcher Manufacturing Co., H. C. Mandeville, R. W. Miver, et al.,

Appellants,

6 vs.

The United States of America;

Lynch Corporation, Thomas Chandler, Werbe, E. G. Bridges, et al.,

Appellants,

7 vs.

The United States of America;

Ball Brothers Co., Frank Clayton Ball, George A. Ball, et al.,

Appellants,

8 vs.

The United States of America;

Glass Container Association of America, Inc., Charles R. Stevenson, and Emory G. Ackerman,

Appellants,

9 vs.

The United States of America;

Appeals from the District Court of the United States for the Northern District of Ohio.

Isaac J. Collins,

Appellant,

10 vs.

The United States of America;
and

T. C. Fulton, W. V. Fisher and
J. D. Dilworth,

Appellants,

11 vs.

The United States of America.

THIS CAUSE came on to be heard from the District Court of the United States for the Northern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows: The decree of the District Court is reversed as to appellants Isaac J. Collins, T. C. Fulton, W. V. Fisher and J. D. Dilworth in Nos. 10 and 11; its decree that the appellants in the other appeals have violated the anti-trust laws and should be enjoined from future similar violations is affirmed, but the decree entered is vacated and the cause is remanded to the District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Douglas, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this cause.
Opinion by Mr. Justice Black dissenting in part.
Opinion by Mr. Justice Rutledge dissenting in part in which Mr. Justice Black joins.

Albert E. McKenzie, as Trustee in Bankruptcy of Graves-Quinn Corporation,

Petitioner,

188 vs.

Irving Trust Company.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

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Willis E. Giese, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

192

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Memphis Natural Gas Company, et al., Appellants, vs. State Tax Commission of Mississippi. — Appeal from the Supreme Court of the State of Mississippi.

762

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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R. A. Quince,

Petitioner,

—— vs.

General Accounting Office.

ON CONSIDERATION of the application submitted herein by R. A. Quince,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America, et al.;

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

ON CONSIDERATION of the motion to strike briefs of the Bank of Nova Scotia herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied with leave to petitioner to file a consolidated reply within 20 days. The motion for other relief is denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of these applications.

Commissioner of Internal Revenue, Petitioner,

710 vs.

Estate of Edward T. Bedford, Title Guarantee and Trust Company, Executor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the application for certiorari was filed within the time provided by law.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Isaac Trainin, Petitioner,

694 vs.

David E. Cain, Commanding Officer of Camp Upton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Liberty Pipe Line Co., Petitioner,

703 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Aetna Casualty and Surety Company,

Petitioner,

711 vs.

Kishwaukee Special Drainage District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Ohio National Life Insurance Company, et al.,

Petitioners,

717 vs.

Board of Education of Grant Community High School District No. 124, of Lake County, Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commercial National Bank in Shreveport,

Petitioner,

718 vs.

R. C. Parsons, Receiver of Commercial National Bank of Shreveport, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

F. G. Badenhausen, et al., Constituting the Protective Committee for the Holders of Georgia and Alabama Railway First Mortgage Consolidated Five Per Cent Gold Bonds, Due 1945,

Petitioners,

720 vs.

Guaranty Trust Company of New York, et al., as Trustees of Seaboard Air Line Railway Company First and Consolidated Mortgage, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emanuel Max Cohen and Albert Charles Schnee,

Petitioners,

723 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aetna Insurance Company, Atlantic Mutual Insurance Company, et al.,

Petitioners,

729 vs.

Henry Du Bois Sons Company and Hartford Fire Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Hays and Sarah R. Hays,
Petitioners,
731 vs.
Catherine Farrington, Parker M. Wood, William L. Becktold, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James T. Spencer, Administrator of the Estate of Jackson Barnett,
Petitioner,
692 vs.
Gypsy Oil Company, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Tindaro Charles Gaglio,
Petitioner,
726 vs.
City of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Tindaro Charles Gaglio,

Petitioner,

726 vs.

City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

18 vs.

Crescent Amusement Company, et al., and

Crescent Amusement Company, et al.,

Appellants,

19 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

George Duncan,

Petitioner,

562 vs.

United States Circuit Court of Appeals for the Eighth Circuit.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mario Joseph Pacman,

Petitioner,

644 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, January 15, until Saturday, January 20, and from that day to Monday, January 29, next.

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The United States of America, et al.,

Appellants,

47 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

48 vs.

The United States of America, et al.

Argument commenced by Mr. John Vance Hewitt for the Pennsylvania Railroad Company, et al.; and continued by Mr. Daniel W. Knowlton for the United States and Interstate Commerce Commission; and by Mr. Parker McCollester for Smith, Trustee, etc., et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 9, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Melville Ehrlich, It is ordered that John B. Harman, Esquire, of Fort Bragg, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lauson H. Stone, It is ordered that Chester W. Wilson, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy H. Woodward, It is ordered that Norman P. Glass, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin J. Rockwell, It is ordered that Philip Feldblum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fred Toyosaburo Korematsu,

Petitioner,

22 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing and to stay the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time within which to file a petition for rehearing is extended to and including February 8, next, and the mandate is stayed.

Per Mr. Chief Justice Stone.

Paul Davis,

Petitioner,

535 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including February 8, next.

Per Mr. Chief Justice Stone.

Emanuel Max Cohen and Albert Charles Schnee,

Petitioners,

723 vs.

The United States of America.

ON CONSIDERATION of the application to stay the issuance of the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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The United States of America, et al.,

Appellants,

47 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

48 vs.

The United States of America, et al.

Argument continued by Mr. Parker McCollester for Smith, Trustee, etc., et al., and concluded by Mr. John Vance Hewitt for The Pennsylvania Railroad Company, et al.

Charles E. Merrill,

Petitioner,

126 vs.

John L. Fahs, United States Collector of Internal Revenue, etc.

Argument commenced by Mr. Sam R. Marks for the petitioner; continued by Miss Helen R. Carloss for the respondent; and concluded by Mr. Harry T. Gray for the petitioner.

Commissioner of Internal Revenue,

Petitioner,

629 vs.

William H. Wemyss.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. Cecil Sims for the respondent.

Roscoe Herget, Trustee, etc.,

Petitioner,

322 vs.

The Central National Bank & Trust Company, etc.

Argument commenced by Mr. William D. Donnelly for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that J. Guillermo Vivas, Esquire, of Ponce, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that Paul H. Farr, Esquire, of Prentiss, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Wilson, It is ordered that Lee R. Cowles, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Arent, It is ordered that Chas. W. Stiefel, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that William C. Stickel, Jr., Esquire, of Union City, State of

Court, and he was sworn accordingly.

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Roscoe Herget, Trustee, etc.,

Petitioner,

322 vs.

The Central National Bank & Trust Company, etc.

Argument continued by Mr. William D. Donnelly for the petitioner; by Mr. Walter H. Moses for the respondent; and concluded by Mr. William D. Donnelly for the petitioner.

Republic Aviation Corporation,

Petitioner,

226 vs.

National Labor Relations Board.

Argued by Mr. J. Edward Lumbard, Jr., for the petitioner and by Miss Ruth Weyand for the respondent.

National Labor Relations Board,

Petitioner,

452 vs.

Le Tourneau Company of Georgia.

Argued by Miss Ruth Weyand for the petitioner and by Mr. A. C. Wheeler for the respondent.

Lee P. Weiler,

Petitioner,

340 vs.

The United States of America.

Argument commenced by Mr. Peter P. Zion for the petitioner and continued by Mr. Herbert Wechsler for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Stanley Boulware Catlett, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that Clair Engle, Esquire, of Red Bluff, State of California, and Donald Pardee Cady, Esquire, of Susanville, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Edward H. Levi, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis C. Reed, It is ordered that Robert H. Pelletreau, Esquire, of Patchogue, State of New York, and William Beaumont Putney, 3rd, Esquire, of Scarsdale, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry B. Walker, It is ordered that Kennard J. Besse, Esquire, of Sterling, State of Illinois, and Henry B. Walker, Jr., Esquire, of Evansville, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry C. Finkel, It is ordered that Louis J. Opal, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Wechsler, It is ordered that Wm. W. Keifer, Esquire, of Springfield, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lee F. Weiler,

Petitioner,

340 vs.

The United States of America.

Argument continued by Mr. Herbert Wechsler for the respondent and concluded by Mr. Hirsh W. Stalberg for the petitioner.

The Pennsylvania Railroad Company, et al.,

Appellants,

182 vs.

The United States of America, et al.

Argued by Mr. Joseph F. Eshelman for the appellants; by Mr. Robert L. Pierce for the appellees United States of America and Interstate Commerce Commission; and by Mr. C. R. Millyer for the appellee D. A. Stickell & Sons, Inc.

The Republic of Mexico, et al.,

Petitioners,

455 vs.

R. B. Hoffman.

Argument commenced by Mr. Morris Lavine for the petitioners and continued by Mr. Harold A. Black for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul M. Niebell, It is ordered that William A. Cornish, Esquire, of McAlester, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that Joseph Wicks Rhodes, III, Esquire, of Osceola, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oswald Ryan, It is ordered that Merrill Armour, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Victor B. Harris, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick P. Greenman, It is ordered that Edward Ross Aranow, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that John Robertson Clagett, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Republic of Mexico, et al.,

Petitioners,

455 vs.

R. B. Hoffman.

Argument continued by Mr. Harold A. Black for the respondent and concluded by Mr. Morris Lavine for the petitioners.

State Farm Mutual Automobile Insurance Company, an Illinois Corporation,

Appellant,

115 vs.

Morvin Duel, Commissioner of Insurance of the State of Wisconsin.

Argued by Mr. R. M. Rieser and Mr. Barnabas F. Sears for the appellant and by Mr. Harold H. Persons for the appellee.

Owen N. Price, Trustee, etc., et al.,

Petitioners,

410 vs.

James G. Gurney, individually, etc., et al.

Argued by Mr. William W. Keifer for the petitioners and by Mr. Charles W. Stiefel, Jr., for the respondents. Leave granted petitioner to file an additional brief within one week.

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Proclamation being made the Court is adjourned until Monday, January 15, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge. Associate Justices,
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Albert Victor DeMeo, Esquire, of New York, State of New York; John Stuart Frazer, Esquire, of Los Angeles, State of California; John A. Breen, Esquire, of Chicago, State of Illinois; and Gilbert Allan Smith, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Darrell R. Parker, Esquire, of Phoenix, State of Arizona, and William R. Misbaugh, Esquire, of Tucson, State of Arizona, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Hersh, It is ordered that Joseph A. Woolman, Esquire, of Troy, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that J. Churchill Owen, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Roy C. Hecox, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The F. W. Fitch Company,
Petitioner,
181 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Iowa.

Per Mr. Justice Murphy.

Mr. Justice Roberts concurs in the result.

Mattie Mae Tiller, Executor of the Estate of John Lewis Tiller, Deceased,
Petitioner,
335 vs.
Atlantic Coast Line Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and that of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Virginia.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Roberts are of the opinion that the judgment of the Circuit Court of Appeals should be affirmed.

The United States,
Petitioner,
vs.
Louis Townsley.

On writ of certiorari to the Court of Claims.

134

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Mr. Justice Murphy concurs in the result.

The Chief Justice, Mr. Justice Jackson, and Mr. Justice Rutledge dissent.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Frank B. Kuczynski,
Petitioner,
vs.
Patrick H. O'Brien, Judge.

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ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William T. Reid,

Petitioner.

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ON CONSIDERATION of the petition for an injunction herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted.

It is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted limited to the question presented under Point 1 of the petition for rehearing and under Question 5(d) of the petition for certiorari. The case is transferred to the summary docket.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville,

Petitioner,

709 vs.

General American Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Macclenny Turpentine Company, et al.,

Petitioners,

714 vs.

Baldwin Drainage District, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association of St. Louis,

Petitioner,

733 vs.

Nellie Copeland, Administratrix of the Estate of John W. Hertz, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnesota Mining and Manufacturing Company,

Petitioner,

738 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anna K. Cowdrick, General Administratrix of the Estate of Alton A. Cowdrick, Deceased,

Petitioner,

755 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Cohen,

Petitioner,

669 vs.

The United States of America;

Mandel Raffe,

Petitioner,

670 vs.

The United States of America;

N. E. Rogoff,

Petitioner,

671 vs.

The United States of America;

Joel Rosenberg,

Petitioner,

682 vs.

The United States of America; and

Bertram M. Wachtel,

Petitioner,

683 vs.

The United States of America.

ON CONSIDERATION of the motions for leave to proceed on typewritten records in these cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part [illegible]

Joseph Cohen, Petitioner, vs. The United States of America.

669

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Mandel Raffe, Petitioner, vs. The United States of America.

670

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

N. E. Rogoff, Petitioner, vs. The United States of America.

671

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Joel Rosenberg,

Petitioner,

682 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Bertram M. Wachtel,

Petitioner,

683 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Forrest Withey,

Petitioner,

604 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Forrest Withey,

Petitioner,

604 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Steve Ruzon,

Petitioner,

744 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Steve Ruzon,

Petitioner,

744 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Herman Howlery,

Petitioner,

768 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Herman Howlery,

Petitioner,

768 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vincent J. Cullotta,

Petitioner,

770 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vincent J. Cullotta,

Petitioner,

770 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Diekelmann,

Petitioner,

771 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul Diekelmann,

Petitioner,

771 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hudson & Manhattan Railroad Company,

Appellant,

766, O.T. 1943 vs.

The City of Jersey City.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Ferguson,

Petitioner,

516 vs.

Commonwealth of Massachusetts.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

552 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Saturday, January 20, next, at 11 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building at eleven o'clock, antemeridian.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

The Court took a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice, and the Court reconvened.

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Proclamation being made the Court is adjourned until Monday, January 29 next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Karl E. Lachmann, Esquire, of Arlington, Commonwealth of Virginia; W. Mark Felt, Esquire, of Washington, District of Columbia, and Roy Norman Freed, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that George Wray Gill, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that Thomas W. Ruffin, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Wharton Pepper, It is ordered that John D. M. Hamilton, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs G. Simpich, It is ordered that Clarence D. Phillips, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Duncan, It is ordered that Francis X. Reilly, Esquire, of Westboro, Commonwealth of Massachusetts; Francis X. Reilly, Jr., Esquire, of Westboro, Commonwealth of Massachusetts; and Paul Treasevant Chance, Esquire, of Augusta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wayne C. Williams, It is ordered that Jerry S. Williams, Esquire, of Denver, State of Colorado, and Wayne DeArmond Williams, Esquire, of Denver, State of Colorado, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Stephen L. R. McNichols, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Daniel J. Dugan, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Archer, It is ordered that Harry Singerman, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Millikin, It is ordered that Donald C. McCreery, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Christian Dorbandt, It is ordered that Charles E. Heidingsfelder, Jr., Esquire, of Houston, State of Texas, and Theo P. Otjen, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester L. Davis, It is ordered that Francis J. Darke, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William I. Denning, It is ordered that James Coates Lear, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Walter H. Free, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that Barton H. Kuhns, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that Robert A. Nelson, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Robert Hendry Kirkwood, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Albert A. Corn, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Joseph B. Robison, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ella F. Fondren and the Estate of W. W. Fondren, Deceased, et al., Petitioners,

88 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF. It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Rutledge.

Regal Knitwear Company, Petitioner,

86 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Reed concur.

Roscoe Herget, Trustee in Bankruptcy of N. L. Rogers & Company, Inc.,

Petitioner,

322 vs.

The Central National Bank & Trust Company of Peoria, a National Banking Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Illinois.

Per Mr. Justice Murphy.

W. G. Choate,

Petitioner,

93 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Prudence Realization Corporation,
Petitioner,
137 vs.
Joseph W. Ferris, George L. Long and Henry Leifert, as Trustees Under a Declaration of Trust Dated as of July 1st, 1938, etc., et al.

On writ of certiorari to the Supreme Court of the State of New York, New York County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, New York County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, entered in this cause on the remittitur from the Court of Appeals, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Opinion by Mr. Chief Justice Stone concurring in the result in which Mr. Justice Rutledge joins.

Lena Rosenman and the National City Bank of New York, a Corporation, as Executors of the Last Will and Testament of Louis Rosenman, Deceased,
Petitioners,
207 vs.
The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Otis & Company,
Petitioner,
81 vs.
Securities and Exchange Commission and the United Light and Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Delaware.

Per Mr. Justice Reed.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

Clarence W. Blair,
Petitioner,
265 vs.
Baltimore & Ohio Railroad Company.

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Lee P. Weiler,
Petitioner,
340 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

The United States of America,
Interstate Commerce Commission,
Seatrain Lines, Inc., et al.,
Appellants,
47 vs.
The Pennsylvania Railroad Company.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the part of the decree of the said District Court under review on the appeal of The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al., be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

The Pennsylvania Railroad Company, et al.,

Appellants,

48 vs.

The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the part of the decree of the said District Court under review on the appeal of the Pennsylvania Railroad Company, Atlantic Coast Line Railroad Company, et al., be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

The Pennsylvania Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, et al.,

Appellants,

182 vs.

The United States of America, Interstate Commerce Commission, D. A. Stickell & Sons, Inc.

Appeal from the District Court of The United States for the District of Maryland.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Lee F. Weiler,

Petitioner,

340 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al.,

Appellants,

47 vs.

The Pennsylvania Railroad Company.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the part of the decree of the said District Court under review on the appeal of The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al., be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

The Pennsylvania Railroad Company, et al.,

Appellants,

48 vs.

The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the part of the decree of the said District Court under review on the appeal of the Pennsylvania Railroad Company, Atlantic Coast Line Railroad Company, et al., be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

The Pennsylvania Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, et al.,

Appellants,

182 vs.

The United States of America, Interstate Commerce Commission, D. A. Stickell & Sons, Inc.

Appeal from the District Court of The United States for the District of Maryland.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

City Bank Farmers Trust Company, Formerly Known as the Farmers Loan and Trust Company, as Administrator, etc.,

Petitioner,

294 vs.

George T. McGowan, Collector of Internal Revenue for the Twenty-eighth Collection District of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed to the extent indicated in the opinion of this Court, costs to be taxed against petitioner, City Bank Farmers Trust Company, as Administrator, etc.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

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Everett Lee Mackey,

Petitioner,

482 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Everett Lee Mackey, Petitioner,

482 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of Missouri is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Everett Lee Mackey, Petitioner,

482 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further consideration in the light of the decisions of this Court in the cases of Williams v. Kaiser, No. 192, and Tomkins v. Missouri, No. 64, decided January 8, 1945.

Per Mr. Chief Justice Stone.

Andrew B. Crichton, R. M. Crichton, C. M. Crichton, et al.,

Appellants,

732 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court in this cause, be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Paul R. Nemours,

Appellant,

747 vs.

City of Clayton, a Municipal Corporation.

Appeal from the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mrs. A. Nemours,

Appellant,

748 vs.

City of Clayton, a Municipal Corporation.

Appeal from the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Fred A. Hughes, H. Clay Garrison, J. Steve Varley, et al.,

Appellants,

769 vs.

Caddo Parish School Board, Roscoe H. White, Superintendent of Public Schools of Caddo Parish, et al., etc..

ON CONSIDERATION of the motion of counsel for appellants to amend the assignment of errors in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred A. Hughes, H. Clay Garrison, J. Steve Varley, et al.,

Appellants,

769 vs.

Caddo Parish School Board, Roscoe H. White, Superintendent of Public Schools of Caddo Parish, et al., etc.

Appeal from the District Court of the United States for the Western District of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Louisiana, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court in this cause, be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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People ex rel. Edward S. Fortune,

Petitioner,

—— vs.

J. F. Brewster, et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Kinney Hutton,

Petitioner,

—— vs.

The United States.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Percey Arthur Whistler,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Edwards,

Petitioner,

--- vs.

The District Court of the United States for the District of Columbia.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gus Brown,

Petitioner,

--- vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the petition for writ of certiorari submitted herein by Gus Brown,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hon. Peirson M. Hall, Judge of the District Court of the United States, Southern California,

Petitioner,

vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America, et al.;

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

ON CONSIDERATION of the application of the petitioner to extend the time within which to file a reply brief in these cases,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to February 23, next.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the application of petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to March 11, next.

Per Mr. Chief Justice Stone.

Harry Bridges, Order allowing certiorari.

Petitioner,

788 vs.

I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Bridges,

Petitioner,

788 vs.

I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

ON CONSIDERATION of the motion of the Communist Political Association for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Engineering & Research Corporation,
Petitioner,
750 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. J. Scott,
Petitioner,
751 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving Breitowich,
Petitioner,
754 vs.
Margaret Tharp and Standard Process Corporation, Garnishee.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

McGrew Paint and Asphalt Co.,
Petitioner,
756 vs.
Francis B. Murphy, Director of Labor.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Railway Paint Co.,
Petitioner,
757 vs.
Francis B. Murphy, Director of Labor.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dednox, Inc.,
Petitioner,
758 vs.
Francis B. Murphy, Director of Labor.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Insul-Mastic Roofing & Siding Co., Petitioner,
759 vs.
Francis B. Murphy, Director of Labor.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Kelling Nut Co., Petitioner,
763 vs.
National Nut Company of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Budd International Corporation, Petitioner,
764 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mollie Netcher Newbury,
Petitioner,
vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

725

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas J. Molloy & Co., Inc.,
Petitioner,
vs.
Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

730

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Standard Electric Corporation,
Petitioner,
vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

739

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Standard Electric Corporation,

Petitioner,

740 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Continental Oil Company, Mid-Continent Petroleum Corporation, Phillips Petroleum Company, et al.,

Petitioners,

767 vs.

State of Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oils, Inc., an Oklahoma Corporation,

Petitioner,

773 vs.

G. T. Blankenship and Daisy O. Blankenship, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Lee Smith,
Petitioner,
780 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Board of County Commissioners of the County of Fremont, Wyoming, et al.,
Petitioners,
786 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Cordell,
Petitioner,
807 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Hoberman,

Petitioner,

790 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Joseph T. MacAvoy,

Petitioner,

676 vs.

The State of Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph T. MacAvoy,

Petitioner,

676 vs.

The State of Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dewey F. Inman and Russell A. Stark,

Petitioners,

778 vs.

State of North Carolina.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dewey F. Inman and Russell A. Stark,

Petitioners,

778 vs.

State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Burkhart,

Petitioner,

772 vs.

Arthur A. Bennett, Warden, Illinois State Penitentiary, Pontiac, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frank Burkhart,

Petitioner,

772 vs.

Arthur A. Bennett, Warden, Illinois State Penitentiary, Pontiac, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leonard Johns,

Petitioner,

776 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leonard Johns,

Petitioner,

776 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Leon Gibson,

Petitioner,

777 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Leon Gibson, Petitioner, 777 vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Magnus Olson,

Petitioner,

796 vs.

Arthur A. Bennett, Warden, Illinois
State Penitentiary, Pontiac, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Magnus Olson,

Petitioner,

796 vs.

Arthur A. Bennett, Warden, Illinois State Penitentiary, Pontiac, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sylvester Washington,

Petitioner,

781 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sylvester Washington,

Petitioner,

781 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte Garfield J. Kelly,

Petitioner.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. J. Thomas,

Appellant,

14 vs.

H. W. Collins, Sheriff, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addie K. Redmond, et al.,

Petitioners,

444 vs.

Commerce Trust Company, as Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addie K. Redmond and Erma H. Parker,

Petitioners,

503 vs.

United Funds Management Corporation, Bankrupt, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Davis,

Petitioner,

535 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

607 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Isaac Trainin,

Petitioner,

694 vs.

David E. Cain, Commanding Officer of Camp Upton.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Harry Newman,

Petitioner,

664 vs.

William B. Bostian, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for petitioner have filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Panhandle Eastern Pipe Line Company, et al.,

Petitioners,

296 vs.

Federal Power Commission, et al.

Argued by Mr. John S. L. Yost and Mr. Ira Lloyd Letts for the petitioners and by Mr. Chester T. Lane and Mr. Charles V. Shannon for the respondents.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission, et al.

Argument commenced by Mr. William A. Dougherty for the petitioner.

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Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Orval N. Thompson, Esquire, of Albany, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair Engle, It is ordered that Herbert P. Welch, Esquire, of Alturas, State of California, and Charles Lederer, Esquire, of Alturas, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Langer, It is ordered that Emil N. Levin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Blackney, It is ordered that Russell Clinton Roberts, Esquire, of Flint, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that R. C. Horne, Esquire, of Madison, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and

On motion first made to the Court in this behalf by Mr. Lauson H. Stone, It is ordered that Henry George Simmonite, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Horne, It is ordered that Peter L. Wentz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Horace Autrey Young, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Gilbert H. Osgood, Esquire, of Chicago, State of Illinois, and G. E. Hale, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Fuchs, It is ordered that Forrest M. Hemker, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund C. Rogers, It is ordered that Dean Anson Harvey, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William T. Kelley, It is ordered that Walter B. Wooden, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Sylvan Bruner, Esquire, of Pittsburg, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission, et al.

Argument continued by Mr. William A. Dougherty for the petitioner and concluded by Mr. Charles V. Shannon for the respondents. Leave granted petitioner to file a reply brief by Monday next.

Canadian River Gas Company,

Petitioner,

380 vs.

Federal Power Commission, et al.

Argument commenced by Mr. John P. Akolt for the petitioner; continued by Mr. Carl I. Wheat for Independent Natural Gas Association of America, as amicus curiae, by special leave of Court; by Mr. Chester T. Lane and Mr. Charles V. Shannon for the respondent; and concluded by Mr. Charles H. Keffer for the petitioner. Leave granted petitioner to file a reply brief by Monday next.

Colorado-Wyoming Gas Company,

Petitioner,

575 vs.

Federal Power Commission, et al.

Argued by Mr. Donald C. McCreery for the petitioner and by Mr. Charles V. Shannon for the respondents.

Commissioner of Internal Revenue,

Petitioner,

371 vs.

John H. Smith.

Argument commenced by Mr. J. Louis Monarch for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. G. Ernest Jones, It is ordered that Horace C. Alford, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Kenny, It is ordered that Jack Louis Rau, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Marbury, Jr., It is ordered that Whitman Knapp, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Samuel I. Rosenman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Commissioner of Internal Revenue,

Petitioner,

371 vs.

John H. Smith.

Argument concluded by Mr. Clarence D. Phillips for the respondent.

International Union of Mine, Mill and Smelter Workers, Locals No. 15, et al., etc.,

Petitioners,

337 vs.

Eagle-Picher Mining and Smelting Company, et al.

Argued by Mr. Louis N. Wolfe for the petitioners; by Mr. Alvin J. Rockwell for the respondent National Labor Relations Board; and by Mr. John G. Madden for the respondents Eagle Picher Mining and Smelting Co., et al.

Precision Instrument Manufacturing Company, et al.,

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

Argument commenced by Mr. Casper W. Ooms for the petitioners and continued by Mr. Frank P. Davis for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert R. Bruce, It is ordered that John J. Boyle, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Whitney, It is ordered that Mark Neary Donohue, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Whitney, It is ordered that Granville Martin Brumbaugh, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward W. Shepard, It is ordered that Daniel Arthur Bennett, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Alfred H. Wasserstrom, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of

Precision Instrument Manufacturing Company, et al.,

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

Argument continued by Mr. Frank P. Davis for the respondent and concluded by Mr. Casper W. Ooms for the petitioners.

Richard Rice,

Petitioner,

391 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, etc.

Argued by Mr. Barton H. Kuhns for the petitioner and by Mr. Robert A. Nelson for the respondent.

Robert R. Young,

Petitioner,

342 vs.

The Higbee Company, et al.

Argued by Mr. Robert W. Purcell for the petitioner and by Mr. Marvin C. Harrison for the respondents.

Daniel K. Catlin, et al., as Trustees, etc., et al.,

Petitioners,

419 vs.

The United States of America.

Argument commenced by Mr. Ralph F. Fuchs for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 2, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Louisa Terrill Pearson, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Emeline Katherine Jackson, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that I. Jack Martin, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin H. Polkerth, It is ordered that John M. Bowsher, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter W. Ahrens, It is ordered that Daniel R. Moreland, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of

On motion first made to the Court in this behalf by Mr. Robert A. Lavender, It is ordered that Henriette Mertz, of Chicago, State of Illinois; Fred T. Williams, Esquire, of Chicago, State of Illinois; Thornton F. Holder, Esquire, of Bronxville, State of New York; Robert James Leahy, Esquire, of Madison, State of Wisconsin; and Roland Alfred Anderson, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Miss)

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that Roy J.Keefer, Esquire, of Harrisburg, Commonwealth of Pennsylvania, and William H. Krieg, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Charles, It is ordered that Aaron Benenson, Esquire, of New York, State of New York, and Max R. Simon, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert R. Bruce, It is ordered that James W. Scott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellors of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman Fischer, It is ordered that Benjamin Prager, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur B. Carton, It is ordered that Martin J. Kelly, Jr., of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. M. Anderson, Receiver, etc.,

Petitioner,

885 vs.

R. C. Tway.

Time within which to file brief opposing petition for writ of certiorari extended to and including March 19, next, on motion of counsel for the respondent.

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Daniel K. Catlin, et al., as Trustees, etc., et al.,

Petitioners,

419 vs.

The United States of America.

Argument continued by Mr. Ralph F. Fuchs for the respondent and case submitted by Mr. Thomas S. McPheeters, Mr. Henry Davis and Mr. George D. Burroughs for the petitioners.

Commissioner of Internal Revenue,

Petitioner,

354 vs.

Elliott H. Wheeler, et al., executors, etc., et al.

Argued by Mr. Bernard Chertcoff for the petitioner and by Mr. William D. Whitney for the respondents.

Estate of Henry W. Putnam, Guaranty Trust Company of New York, executor,

Petitioner,

534 vs.

Commissioner of Internal Revenue.

Argued by Mr. William D. Whitney for the petitioner and by Miss Helen R. Carloss for the respondent.

Arsenal Building Corporation
and Spear & Co., Inc.,

Petitioners,

421 vs.

Meyer Greenberg, suing on behalf
of himself, etc.

Argument commenced by Mr. Robert R. Bruce for the petitioners.

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Proclamation being made the Court is adjourned until Monday next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wilber Owen, It is ordered that Calvin Arthur Campbell, Esquire, of Midland, State of Michigan, and Donald Lawrence Conner, Esquire, of Midland, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl T. Curtis, It is ordered that Einar Viren, Esquire, of Holdrege, State of Nebraska, and Robert Henry Hollander, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard S. Lyon, It is ordered that Edmund J. Driscoll, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Harry G. Muney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Campbell Palmer, III, It is ordered that Kenneth E. Hines, Esquire, of Sutton, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph V. Lane, Jr., It is ordered that Sedgwick Snedeker, Esquire, of Brooklyn, State of New York, and Harney Powell Yates, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Thompson, It is ordered that Louis Spencer Bonsteel, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arne C. Wiprud, It is ordered that Sadie B. Arbuthnot, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

(Miss)

On motion first made to the Court in this behalf by Mr. Oren Harris, It is ordered that Dwight H. Crawford, Esquire, of Arkadelphia, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Victor J. Herb,

Petitioner,

vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers for Wabash Railway Company.

On writ of certiorari to the Supreme Court of the State of Illinois.

24

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the cause be continued for such period as will enable counsel for petitioner with all convenient speed to apply to the Supreme Court of Illinois for amendment, or certificate, which will show whether it has intended to rest the judgment

in this cause on an adequate and independent state ground or whether decision of the federal question was necessary to the judgment rendered.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.
Dissenting opinion by Mr. Justice Rutledge.

Benjamin F. Belcher, Petitioner, vs. Louisville & Nashville Railroad Company.

On writ of certiorari to the Supreme Court of the State of Illinois.

25

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the cause be continued for such period as will enable counsel for petitioner with all convenient speed to apply to the Supreme Court of Illinois for amendment, or certificate, which will show whether it has intended to rest the judgment in this cause on an adequate and independent state ground or whether decision of the federal question was necessary to the judgment rendered.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.
Dissenting opinion by Mr. Justice Rutledge.

Fidelity-Philadelphia Trust Company, and Robert A. Workman, Executors of the Estate of Anna C. Stinson, Deceased, Petitioners, vs. Walter J. Rothensies, Individually and as Collector of Internal Revenue for the First District of Pennsylvania.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

263

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Commissioner of Internal Revenue,
Petitioner,
578 vs.
Estate of Lester Field, Deceased, Barnett Hollander, Temporary Administrator and Executor.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Douglas.

John Barr,
Petitioner,
287 vs.
The United States of America.

On writ of certiorari to the United States Court of Customs and Patent Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Customs and Patent Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Customs and Patent Appeals in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the said Court of Customs and Patent Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black joins.

Owen N. Price, Trustee for Bondholders of the Western Tool & Manufacturing Co., et al.,

Petitioners,

410 vs.

James G. Gurney, Individually and on Behalf of Other Shareholders of the Western Tool and Manufacturing Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

James Karl Muschany and Vera Muschany,

Petitioners,

31 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

William M. Andrews and Bertha L. Andrews,

Petitioners,

32 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

The Republic of Mexico and the Steamship "Baja California" by the Republic of Mexico, as Owner,

Petitioners,

455 vs.

R. B. Hoffman.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Black joins.

Albert R. House,

Petitioner,

921 vs.

Nathan Mayo, State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert R. House,

Petitioner,

921 vs.

Nathan Mayo, State Prison Custodian.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert R. House,

Petitioner,

921 vs.

Nathan Mayo, State Prison Custodian.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts is of opinion that the writ of certiorari should be denied.

Albert R. House,

Petitioner,

921 vs.

Nathan Mayo, State Prison Custodian.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record herein and on the papers submitted by Albert R. House.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the Circuit Court of Appeals herein and the judgment of the District Court of the United States for the Southern District of Florida be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts is of opinion that the writ of certiorari should be denied.

Ex parte Albert R. House,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following orders of the Court:

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Mitchell Cantrell, Hobert Meek, Estill Reed, et al.,

Appellants,

830 vs.

Lester Adams, J. Douglas Turner, F. Daniel.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mitchell Cantrell, Hobert Meek, Estill Reed, et al.,

Appellants,

830 vs.

Lester Adams, J. Douglas Turner, F. Daniel.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

TREATING the appeal papers herein from the Court of Appeals of the Commonwealth of Kentucky as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie Simmons, alias Dock Simmons,

Appellant,

865 vs.

State of Mississippi.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Eddie Simmons, alias Doc Simmons,
Appellant,
865 vs.
State of Mississippi.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Eddie Simmons, alias Doc Simmons,
Appellant,
865 vs.
State of Mississippi.

Appeal from the Supreme Court of the State of Mississippi.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmund J. Ryan,
Appellant,
856 vs.
Frank C. Thompson, Arthur Nimmer and Michael Mulcahy.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Kenneth Sutton,

Petitioner,

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

— vs.

Ralph S. Hinman, et al.

ON CONSIDERATION of the application submitted herein by Daisy D. Wilson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Order allowing certiorari.

Petitioner,

589 vs.

William D. Disston.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alma Motor Company, Petitioner, vs. The Timken-Detroit Axle Company and The United States of America. — Order allowing certiorari.

806

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Congress of Industrial Organizations, an Unincorporated Association, et al., Petitioners, vs. Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. — Order allowing certiorari.

855

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted. The case is assigned for argument immediately following No. 588. Counsel are requested to discuss in their briefs and on oral argument the question whether the record presents one or more cases or controversies within the meaning of Art. III, Sec. 2 of the Constitution and to state the precise facts giving rise to and the issues involved in, each such case or controversy, if any. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Leo H. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada Local #234,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom Watson, Attorney General.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted and the case is assigned for argument immediately following No. 855. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Julius H. Miner, as Judge of the Circuit Court of Cook County and Paul Willer Petersen,

Petitioners,

753 vs.

The People of the State of Illinois, ex rel. Benefit Association of Railway Employees, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Floish,

Petitioner,

783 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Edward Loew,

Petitioner,

787 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph P. Maggio,

Petitioner,

793 vs.

Raymond Zeitz, as Trustee in Bankruptcy of Luma Camera Service, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Cudmore, Secretary of Auth-Loffler, Inc.,

Petitioner,

817 vs.

Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alice Howe, as Executrix of the Estate of Mary E. B. Howe, Deceased,

Petitioner,

433 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Roberts,

Petitioner,

556 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Fraser,

Petitioner,

677 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas McMullen,

Petitioner,

654 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas McMullen,

Petitioner,

654 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Fitzpatrick,

Petitioner,

774 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Fitzpatrick,

Petitioner,

774 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel Hesley,

Petitioner,

800 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Daniel Hesley,

Petitioner,

800 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

834 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

834 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Wescott,

Petitioner,

871 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Wescott,

Petitioner,

871 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Bartell,

Petitioner,

836 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Bartell,

Petitioner,

836 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Elmer Whited,

Petitioner,

839 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Elmer Whited,

Petitioner,

839 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

James Millman,

Petitioner,

843 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Millman,

Petitioner,

843 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Elbert J. Burns, alias E. J. Burns,

Petitioner,

879 vs.

The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this application.

Elbert J. Burns, alias E. J. Burns,

Petitioner,

879 vs.

The State of Alabama.

ON CONSIDERATION of the motion for a stay of execution in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this application.

Elbert J. Burns, alias E. J. Burns,

Petitioner,

879 vs.

The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this application.

Segal Lock & Hardware Company, Inc., et al.,

Petitioners,

657 vs.

Federal Trade Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard O'Neill,

Petitioner,

701 vs.

Walter Nierstheimer, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emanuel Max Cohen and Albert Charles Schnee,

Petitioners,

723 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willis E. Giese,

Petitioner,

192 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, February 12, until Monday, February 26, next.

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Brooklyn Savings Bank,

Petitioner,

445 vs.

William J. O'Neil.

Motion for leave to file brief of Mutual Life Insurance Company of New York as amicus curiae submitted by Mr. Joseph V. Lane, Jr., in their behalf.

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Arsenal Building Corporation
and Spear & Co., Inc.,

Petitioners,

421 vs.

Meyer Greenberg, suing on behalf
of himself, etc.

Argument continued by Mr. Robert R. Bruce for the petitioners and concluded by Mr. Aaron Beneson for the respondent.

J. F. Fitzgerald Construction
Company,

Petitioner,

462 vs.

Chris Pedersen, individually, etc.

Argued by Mr. Henry E. Foley for the petitioner and by Mr. William E. J. Connor for the respondent.

Brooklyn Savings Bank,

Petitioner,

445 vs.

William J. O'Neil.

Argument commenced by Mr. Homer Cummings for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 6, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that John G. Marshall, Esquire, of Beaver, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that John W. Riely, Esquire, of Richmond, Commonwealth of Virginia, and Duncan C. Gibb, Esquire, of Front Royal, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Burns, It is ordered that Reuben Werlin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Stigler, It is ordered that Christy Russell, Esquire, of Mattoon, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. O'Connell, It is ordered that Francis C. Sullivan, Esquire, of Duluth, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that John E. Baker, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hal W. Stewart, It is ordered that William Hume Everett, Esquire, of Casper, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that Henry W. Parker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newell W. Ellison, It is ordered that Arthur H. Stuart, Esquire, of Grosse Pointe Park, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Lawrence, It is ordered that Robert E. Hogan, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon W. Kapp, It is ordered that Maurice A. Weinstein, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Brooklyn Savings Bank,

Petitioner,

445 vs.

William J. O'Neil.

Argument continued by Mr. Max R. Simon for the respondent and concluded by Mr. Sedgwick Snedeker for the petitioner.

L. Elwood Dize, trading as Dize Box Company,

Petitioner,

554 vs.

Lake Maddrix.

Argued by Mr. Hyman Ginsberg for the petitioner and by Mr. Paul Berman for the respondent.

The Dow Chemical Company,

Petitioner,

50 vs.

Halliburton Oil Well Cementing Company; and

Halliburton Oil Well Cementing Company,

Petitioner,

61 vs.

The Dow Chemical Company.

Argument commenced by Mr. Bernard A. Schroeder for Dow Chemical Company; continued by Mr. Leonard S. Lyon for the Halliburton Oil Well Cementing Co.; and concluded by Mr. Charles J. Merriam for the Dow Chemical Company.

M. C. Garber,

Petitioner,

518 vs.

Ralph Crews, et al.

Argument commenced by Mr. P. C. Simons for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, FEBRUARY 7, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. Wayland Brooks, It is ordered that Dewey A. Routh, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that Delmas L. Haney, Esquire, of Hays, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mills Kitchin, It is ordered that Percy W. Meekins, Esquire, of Lenoir, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Chas. R. Gray, Esquire, of Pawhuska, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony Kane, It is ordered that Garl J. Watkins, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack W. Bain, It is ordered that David Williams Heath, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Robertson Clagett, It is ordered that Paul S. Kelly, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Fuchs, It is ordered that Edmund Elliott Shepherd, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that John L. Nixon, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abbot P. Mills, It is ordered that Joseph B. Ely, Esquire, of Westfield, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Minnesota Mining & Manufacturing Company,

Petitioner,

738 vs.

Conway P. Coe, Commissioner of Patents.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including February 23, 1945.

Per Mr. Chief Justice Stone.

Dewey White,

Petitioner,

212 vs.

Joseph E. Ragen, Warden, etc.; and

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, etc.

It is ordered by this Court that Wilbur G. Katz, Esquire, of Chicago, Illinois, be, and he is hereby, appointed to serve as counsel for the petitioners in these cases.

Per Mr. Chief Justice Stone.

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J. C. Garber,

Petitioner,

518 vs.

Ralph Crews, et al.

Argument continued by Mr. P. C. Simons for the petitioner and concluded by Mr. Christy Russell for the respondents.

Charles Federal Savings & Loan Association, et al.,

Appellants,

400 vs.

George P. Alderson, State Tax Commissioner of West Virginia.

Argued by Mr. J. Campbell Palmer, III, for the appellants and by Mr. Kenneth E. Hines for the appellee.

Fred G. Drummond,

Petitioner,

520 vs.

The United States of America.

Argument commenced by Mr. Roy St. Lewis for the petitioner;

continued by Mr. Charles R. Gray for the petitioner; and by Mr. Roger P. Marquis for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Charles W. Yerka, Esquire, of Superior, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Stephens, It is ordered that Hugh V. Murray, Esquire, of Centralia, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jonathan Foster Hagan, It is ordered that Fred B. Crecar, Esquire, of Norton, Commonwealth of Virginia, and Geo. P. Cridlin, Esquire, of Jonesville, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emmett Leo Sheehan, It is ordered that Abe M. Goldstein, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Campbell, It is ordered that Dan G. Bardin, Esquire, of Salinas, State of California, be admitted to practice as an Attorney and Counsellor of this

Fred C. Drummond,

Petitioner,

520 vs.

The United States of America.

Argument continued by Mr. Roger P. Marquis for the respondent and concluded by Mr. Charles R. Gray for the petitioner.

The United States of America,

Petitioner,

523 vs.

Frankfort Distilleries, Inc.;

The United States of America,

Petitioner,

524 vs.

National Distillers Products Corporation;

The United States of America,

Petitioner,

525 vs.

Brown Foreman Distillers Corporation;

The United States of America,

Petitioner,

526 vs.

Hiram Walker, Incorporated;

The United States of America,

Petitioner,

527 vs.

Schenley Distillers Corporation;

The United States of America,

Petitioner,

528 vs.

Seagram-Distillers Corporation;

The United States of America,

Petitioner,

529 vs.

McKesson & Robbins, Incorporated; and

The United States of America,

Petitioner,

530 vs.

J. E. Speegle.

Argued by Mr. Edward H. Levi for the petitioner and by Mr. Robert S. Marx for the respondents.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

Argued by Mr. Robert E. Hogan for the petitioner and by Mr. Edward J. Ennis for the respondent.

The United States,

Petitioner,

312 vs.

Willow River Power Company.

Argument commenced by Mr. Paul A. Freund for the petitioner and continued by Mr. R. M. Rieser for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that Alwin F. Pitzner, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Aldrich Hall, It is ordered that William W. Wells, Esquire, of Pendleton, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States,

Petitioner,

312 vs.

Willow River Power Company.

Argument continued by Mr. R. M. Rieser for the respondent and concluded by Mr. Paul A. Freund for the petitioner.

The United States of America,

Petitioner,

620 vs.

Carmen Beach.

Argued by Mr. Robert L. Stern for the petitioner and by Mr. James R. Kirkland for the respondent.

The United States of America,

Petitioner,

495 vs.

Commodore Park, Incorporated.

Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. W. R. Ashburn for the respondent.

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Proclamation being made the Court is adjourned until Monday, February 12 next at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that William M. Lester, Esquire, of Augusta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Lindley G. Beckworth, Esquire, of Gladwater, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Harold R. Vann, Esquire, of Miami Beach, State of Florida; Paul A. Smith, Esquire, of Houston, State of Texas; and Roy E. Danuser, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that Joseph Jirasek, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Ross G. Bohannon, Esquire, of Brownwood, State of Texas, and Joseph Edward Johnson, Esquire, of Brownwood, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. Lemke, It is ordered that Nels G. Johnson, Esquire, of Towner, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel Convisser, It is ordered that Nemo Convisser, Esquire, of Brooklyn, State of New York, and Alexander M. Falk, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Dobson Miller, It is ordered that Selmer Roy Johnson, Esquire, of Boscobel, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley A. Dierberger, It is ordered that Charles R. Johnston, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Warren T. Jessup, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. O'Mahony, It is ordered that Stephanie Masis, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Arne C. Wiprud, It is ordered that Archibald W. Storms, Esquire, of Holdrege, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. H. Kennedy McCook, It is ordered that Julius P. Franki, Esquire, of Mission, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey L. Rabbitt, It is ordered that J. M. Hemphill, Esquire, of Chester, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. McNamara, It is ordered that Harold W. Matthews, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. G. C. Bierer, Jr., It is ordered that Travis I. Milsten, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Shannon, It is ordered that Stanley M. Morley, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Webre Steib Company, Ltd.,
Petitioner,
148 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand the cause to the Tax Court of the United States for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black concurs.

State Farm Mutual Automobile Insurance Company, an Illinois Corporation,
Appellant,
115 vs.
Marvin Duel, Commissioner of Insurance of the State of Wisconsin.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgments of the said Supreme Court, in this cause, be, and the same are hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of the State of Wisconsin for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts.

Mr. Justice Jackson is of the opinion that the judgment should be vacated.

Central States Electric Company,
Petitioner,
*85 vs.
City of Muscatine, Iowa, and Elmer E. Johnson, for Himself and the Users of Natural Gas in the City of Greenfield, Iowa, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the orders of February 14, 1944, denying petitioner's application and directing payment of the fund in question to city treasurers be, and the same are hereby, reversed, costs in this Court to be taxed against the City of Muscatine, Iowa.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

Dissenting opinion by Mr. Justice Douglas.

*See order and amended judgment entered May 21, 1945.

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The Chief Justice announced the following orders of the Court:

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Dr. Benjamin F. Johnson,
Appellant,
832 vs.
Mississippi State Board of Health.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Jack Cole Company, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission. — Appeal from the District Court of the United States for the Northern District of Alabama.

850

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment
of Hulon Capshaw.

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O R D E R

It having been brought to the attention of the Court, by the filing of the record in the case of In the Matter of Hulon Capshaw, an Attorney, No. 386, October Term, 1944, that Hulon Capshaw, of New York, New York, a member of the bar of this Court, has been disbarred from the practice of the law in the courts of the State of New York; and this Court by order of November 6, 1944, having directed the issue of a rule requiring said Hulon Capshaw to show cause why he should not be disbarred from the practice of the law in this Court; and the said Hulon Capshaw having filed return to said rule;

IT IS ORDERED that the rule to show cause and the return aforesaid, together with all papers which have been filed with the Clerk of this Court in relation to this matter, be, and the same hereby are, referred to Mr. Christopher B. Garnett and Mr. Spencer Gordon, of Washington, D. C., and Mr. Harry N. Baetjer, of Baltimore, Maryland, as a committee of the bar of this Court, to make such inquiry into the matter as may be necessary or appropriate and with power to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as they may deem it necessary to call for, and thereupon to make a report and recommendation respecting the final action to be taken herein by this Court conformably to Rule 2, paragraph 5, of the Rules of this Court.

Per Mr. Chief Justice Stone.

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Ex parte James Martine,

Petitioner.

____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte LeRoy Baker,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Tom Stephenson,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Burgess,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ex parte F. Gerald Thomas,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writs of mandamus or certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ben Frazier,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Isidore Allan Steinberg,

Petitioner,

---, vs.

Colonel Grover C. Graham et al.

ON CONSIDERATION of the motion for a stay in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

10, Original vs.

The State of Wyoming and The Ohio Oil Company.

The answer and counterclaim are received and ordered filed with leave to complainant to reply thereto within 20 days.

Per Mr. Chief Justice Stone.

Brooklyn Savings Bank,

Petitioner,

445 vs.

William J. O'Neil.

ON CONSIDERATION of the motion for leave to file brief of the Mutual Life Insurance Co. of New York as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that application therefor was not made

sufficiently in advance of the oral argument to enable the parties to reply prior to the argument.

Per Mr. Chief Justice Stone.

The Lincoln National Life Insurance Company,

Appellant,

833 vs.

Jess G. Read, Insurance Commissioner of the State of Oklahoma.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Lloyd C. Duncan,

Petitioner,

791 vs.

Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harry E. White,

Petitioner,

792 vs.

Wm. F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, — Order allowing certiorari.

456 vs.

Two Acres of Land, More or Less, in Will County, State of Illinois and the Grace Evangelical Church, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Beatrice L. Goldstone and Eugene L. Bondy, Executors of the Estate of Morris L. Goldstone, Deceased, Petitioners, — Order allowing certiorari.

699 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

10 East 40th Street Building, Inc., Petitioner, — Order allowing certiorari.

820 vs.

Charles Callus, Samuel Said, Louis Saggese, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The case is transferred to the summary docket and assigned for argument

immediately following No. 688, Borden Co. vs. Borella, et al., which is also transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

California Shipbuilding Corporation,
Petitioner,
673 vs.
Industrial Accident Commission of the State of California and Belle Rebecca Gaddis.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlton R. Benton, Administrator of the Estate of William L. Dever, Deceased,
Petitioner,
784 vs.
St. Louis - San Francisco Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Boundary County, Idaho, a Municipal Corporation of the State of Idaho, et al.,
Petitioners,
812 vs.
Martin Woldson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David W. Onan, et al., General Partners Doing Business as D. W. Onan & Sons,

Petitioners,

814 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

821 vs.

Anglin & Stevenson, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pathfinder Petroleum Company,

Petitioner,

824 vs.

General Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cotton State Fertilizer Company, C. B. Clay and W. J. O'Shaughnessey,

Petitioners,

827 vs.

S. L. Hurt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. G. Horton and M. K. Buchanan, Trading as Mechanical Ice Tray Company and I. C. E. Corporation,

Petitioners,

844 vs.

General Motors Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Talbott,

Petitioner,

810 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George W. Talbott,

Petitioner,

810 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grover Thompson,

Petitioner,

752 vs.

John E. Harris, Warden of the Utah State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Grover Thompson,

Petitioner,

752 vs.

John E. Harris, Warden of the Utah State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Utah, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Allan Lee Graham,

Petitioner,

765 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Allan Lee Graham,
Petitioner,
765 vs.
P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Jones,
Petitioner,
779 vs.
Ernest R. Stewart, as Judge, Boone Circuit Court.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Jones,
Petitioner,
779 vs.
Ernest R. Stewart, as Judge, Boone Circuit Court.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Aronson and Hyman Brecker,

Petitioners,

785 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ralph Aronson and Hyman Brecker,

Petitioners,

785 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. B. Mitchell,

Petitioner,

789 vs.

Board of Governors of the Washington State Bar Association.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. B. Mitchell,
Petitioner,
789 vs.
Board of Governors of the Washington State Bar Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jeff Kinsey,
Petitioner,
818 vs.
State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jeff Kinsey,
Petitioner,
818 vs.
State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virgil Lyerla,

Petitioner,

887 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Virgil Lyerla,

Petitioner,

887 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Cordts,

Petitioner,

889 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Cordts,

Petitioner,

889 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Kirsch,

Petitioner,

891 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Kirsch,

Petitioner,

891 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hubert J. Gapinski,

Petitioner,

894 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hubert J. Gapinski,

Petitioner,

894 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Van Dyke,

Petitioner,

910 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Van Dyke,

Petitioner,

910 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Lena Mae Davis, as Administratrix of the Estate of Jasper Bennett Davis, Deceased,

Petitioner,

775 vs.

Alabama Great Southern Railroad Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Lena Mae Davis, as Administratrix of the Estate of Jasper Bennett Davis, Deceased,

Petitioner,

775 vs.

Alabama Great Southern Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that it does not appear from the record or from the papers submitted that the judgment is final.

Per Mr. Chief Justice Stone.

George Carnahan,

Petitioner,

878 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Carnahan,

Petitioner,

878 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Fred Toyosaburo Korematsu,

Petitioner,

22 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Hays and Sarah R. Hays,

Petitioners,

731 vs.

Catherine Farrington, Parker M. Wood, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, February 26 next at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that John Joseph Smith, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that William C. Schaper, Esquire, of Broken Bow, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Charles H. Dorn, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benedict Deinard, It is ordered that Thomas O. Streissguth, Esquire, of New Ulm, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred Crane McKenzie, It is ordered that Richards W. Hannah, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Wall, It is ordered that Harold F. Hanson, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that William J. Kridel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Bosch, It is ordered that M. Benitez-Flores, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold A. Henderson, It is ordered that Al M. Hack, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Watkins, Jr., It is ordered that Julian S. Carr, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Merwyn H. Brown, Esquire, of Winnemucca, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that James Leonard Whittaker, Esquire, of Princeton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin J. Rockwell, It is ordered that Charles F. McErlean, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger P. Marquis, It is ordered that Melvin Samuel Brotman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Gambrell, It is ordered that James S. Clifford, Jr., Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis R. Kirkham, It is ordered that Cyril Appel, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Daniel K. Catlin, Frederick Pitzman and Lewis M. Rumsey, Jr., as Trustees Under Deed Dated February 1, 1921, etc., - Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

419

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Illinois.

Per Mr. Justice Rutledge.

Mr. Justice Roberts and Mr. Justice Douglas concur in the result.

Gemsco, Inc., et al., Petitioners,

vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

368

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Rutledge.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Mildred Maretzo, et al., Petitioners, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor.

369

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Rutledge.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Josephine Guiseppi, et al., Petitioners, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor.

370

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Rutledge.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Canadian Aviator Limited,
Petitioner,
279 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey with direction to proceed with consideration of the case on the merits in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Robert R. Young,
Petitioner,
342 vs.
The Higbee Company, William W. Boag, and J. F. Potts.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Jackson concur in the result.

Dissenting: Mr. Justice Roberts.

M. C. Garber, Petitioner,

518 vs.

Ralph Crews, Charley Crews, Robert Crews, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma.

Per Mr. Justice Roberts.

Commissioner of Internal Revenue, Petitioner,

371 vs.

John H. Smith.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Tax Court of the United States in this cause be, and the same is hereby, affirmed, and that the judgment of the Circuit Court of Appeals be, and the same is hereby, reversed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Roberts.

Charleston Federal Savings & Loan Association et al., Appellants, vs. George P. Alderson, State Tax Commissioner of West Virginia. — Appeal from the Supreme Court of Appeals of the State of West Virginia.

400

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of West Virginia and on motion to dismiss, which was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court as follows: The motion to dismiss the appeal herein is granted and the appeal is dismissed. Treating the appeal papers as a petition for writ of certiorari, a writ of certiorari is granted. The judgment of the Supreme Court of Appeals in this case is affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that the appeal raises no substantial federal question and therefore concurs in its dismissal. For the same reason he thinks that certiorari should be denied.

Dissenting opinion by Mr. Justice Roberts.

The United States of America, Petitioner, vs. Carmen Beach. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

620

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black joins.

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The Chief Justice announced the following orders of the Court:

Illinois Commerce Commission, et al., Appellants, vs. Illinois Central Railroad Company. 858

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission, et al., Appellants, vs. Illinois Central Railroad Company. 858

Appeal from the Supreme Court of the State of Illinois.

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission, Appellant, vs. Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island and Pacific Railway Company. 859

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission, Appellant, vs. Chicago, Burlington & Quincy Railroad Company. — Appeal from the Supreme Court of the State of Illinois.

860

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission, Appellant, vs. Henry A. Scandrett, et al., Trustees of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company. — Appeal from the Supreme Court of the State of Illinois.

861

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission, Appellant, vs. A. A. Sprague and Bernard J. Fallon, as Receivers of Chicago, North Shore and Milwaukee Railroad Company. — Appeal from the Supreme Court of the State of Illinois.

862

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Adirondack Transit Lines, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission, et al. — Appeal from the District Court of the United States for the Southern District of New York.

913

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, on motions to affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to affirm the decree in this cause be, and the same are hereby, granted.

IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Charles C. Oriolo, Petitioner, vs. The United States of America. — Order allowing certiorari.

727

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles C. Oriolo, Petitioner, vs. The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

727

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

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Ex parte Howard C. Butler, Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Arthur Lewis,

Petitioner.

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ON CONSIDERATION of the application submitted herein by Arthur Lewis,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George S. Miller,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George Albert Brown,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Bryan Schwab,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of Illinois ex rel.
Raymond Henry Rensing,

Petitioner,

vs.

Walter Nierstheimer, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Brotherhood and Union of Transit
Employees of Baltimore,

Petitioners,

vs.

Ross Madden, Regional Director
of National Labor Relations
Board, etc.

ON CONSIDERATION of the motion for a stay of the mandate of the United States Circuit Court of Appeals for the Fourth Circuit in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Interstate Commerce Commission,
et al.,

Appellants,

877 vs.

Detroit and Cleveland Navigation
Company et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

John Waldon, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

704

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Safeway Stores, Incorporated, Petitioner, vs. Chester Bowles, Price Administrator. — On petition for writ of certiorari to the United States Emergency Court of Appeals.

798

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Safeway Stores, Incorporated, Petitioner, vs. Chester Bowles, Price Administrator. — On petition for writ of certiorari to the United States Emergency Court of Appeals.

799

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Central Dispensary and Emergency Hospital,

Petitioner,

819 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Franklin and Manhattan Railway Company,

Petitioners,

822 vs.

The City of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Berger, Samuel Kaminsky and Sidney E. Cohn,

Petitioners,

826 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stella T. Rambo, et al., Petitioners, vs. The United States of America. 831

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James O. Greenan and Edith Greenan, Petitioners, vs. Commissioner of Internal Revenue. 842

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ella Hauser Thatcher, Petitioner, vs. Katherine Rebecca Blacker and Taylor B. Weir, Executor of the Last Will and Testament of Samuel T. Hauser, Deceased. 851

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Fraser, et ux., Petitioners, vs. P. M. Barton, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

805

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey M. Allison, Petitioner, vs. Commonwealth of Pennsylvania. — On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

847

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Martino, Petitioner, vs. Michigan Window Cleaning Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

849

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julia Moore,

Petitioner,

863 vs.

Ionia Moore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Weinstein,

Petitioner,

918 vs.

The State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. H. Robinson, Lowrance Brothers & Company, Inc., Lynn W. Morrill, et al.,

Petitioners,

854 vs.

Ernest J. Deal, Individually and as Manager of the National Surplus Cotton Tax Exemption Certificate Pool L935, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States,

Petitioner,

803 vs.

Brand Investment Company.

ON CONSIDERATION of the motion for leave to proceed on an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States, - Petitioner,

On petition for writ of certiorari to The Court of Claims.

803 vs.

Brand Investment Company.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Chase National Bank of the City of New York,

Petitioner,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

869 vs.

Dixon, Irmaos & Cia., Ltda.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

W. F. and John Barnes Company, John S. Barnes Corporation and Odin Corporation,

Petitioners,

882 vs.

International Harvester Company and Ex-Cell-O Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Floyd Pearce,

Petitioner,

689 vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Floyd Pearce,

Petitioner,

689 vs.

The State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grover C. Eldridge,

Petitioner,

813 vs.

E. N. Keith.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Grover C. Eldridge,

Petitioner,

813 vs.

E. N. Keith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel H. Foxall,

Petitioner,

883 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Samuel H. Foxall,

Petitioner,

883 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Phillips,

Petitioner,

890 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Phillips,

Petitioner,

890 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Wright,

Petitioner,

892 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Wright,

Petitioner,

892 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Fife,

Petitioner,

893 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Fife,

Petitioner,

893 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Monti Crist,

Petitioner,

915 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Monti Crist,

Petitioner,

915 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry D. Gordon,

Petitioner,

924 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry D. Gordon,

Petitioner,

924 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Hanley,

Petitioner,

925 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Hanley,

Petitioner,

925 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Euler,

Petitioner,

926 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Euler,

Petitioner,

926 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Pullett,

Petitioner,

931 vs.

A. A. Bennett, Warden, Illinois State Penitentiary, Pontiac, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George W. Pullett,

Petitioner,

931 vs.

A. A. Bennett, Warden, Illinois State Penitentiary, Pontiac, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John H. Rooney,

Petitioner,

916 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John H. Rooney,

Petitioner,

916 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The Wallace Corporation,

Petitioner,

66 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alice Howe, as Executrix, etc.,

Petitioner,

433 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julius H. Miner, as Judge, etc., et al.,

Petitioners,

753 vs.

The People of the State of Illinois, ex rel. Benefit Association of Railway Employees, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert R. House,

Petitioner,

921 vs.

Nathan Mayo, State Prison Custodian.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Moskovitz,

Petitioner,

____.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr.,
Administrator c.t.a. etc.,
et al.,

Petitioners,

177 vs.

Farmers Bank & Trust Company et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr.,
Administrator c.t.a., etc.,
et al.,

Petitioners,

177 vs.

Farmers Bank & Trust Company et al.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alton Crapo,

Petitioner,

567 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Alton Crapo,

Petitioner,

567 vs.

James A. Johnston, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Owen N. Price, Trustee for Bondholders of the Western Tool & Manufacturing Co., et al.,

Petitioners,

410 vs.

James G. Gurney, Individually and on Behalf of Other Shareholders of the Western Tool & Manufacturing Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It is ordered that the opinion of the Court in this case be amended as follows:

1. There is substituted for the sentence on page 5 of the slip opinion, which reads, "Congress has not given the bankruptcy court power over the affairs of a corporation prior to the approval of the petition", the following:

"The jurisdiction which Congress has given the bankruptcy court over the debtor and its property prior to the approval of the petition (see Sec. 111, Sec. 112, and Sec. 113) do not extend to this situation."

2. There is added at the end of the opinion the following:

"A different question is presented where stockholders appear in opposition to a petition filed by the corporation. See Sec. 206. Cf. In re Beaver Cotton Mills, 275 Fed. 498; Whittaker v. Brictson Mfg. Co., 43 F. 2d 485."

The petition for rehearing is denied.

Per Mr. Chief Justice Stone.

Owen N. Price, Trustee for Bondholders of the Western Tool & Manufacturing Co., et al.,

Petitioners,

410 vs.

James G. Gurney, Individually and on Behalf of Other Shareholders, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local 283 (C. I. O.),

Petitioner,

835 vs.

Wisconsin Employment Relations Board, et al.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Market Street Railway Company,

Appellant,

510 vs.

Railroad Commission of the State of California, et al.; and

Market Street Railway Company,

Appellant,

511 vs.

Railroad Commission of the State of California, et al.

Argued by Mr. Francis H. Kirkham for the appellant and by Mr. Everett C. McKeage for the appellees.

Commissioner of Internal Revenue,

Petitioner,

581 vs.

Court Holding Company.

Argued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the petitioner and by Mr. Maurice Kay for the respondent.

Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al.,

Petitioners,

613 vs.

Harry A. Millis, Individually, etc., et al.

Argument commenced by Mr. George E. Flood for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 27, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F..Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Frank E. Coughlin, Esquire, of South Bend, State of Indiana, and Forrest P. Jones, Esquire, of Bloomington, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Stratton Jennings, Jr., It is ordered that John M. Palmer, Esquire, of Minneapolis, State of Minnesota, and Floyd E. Nelson, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rainey F. Wells, It is ordered that Earl Cline, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip P. Dodson, It is ordered that Millard M. Mier, Esquire, of Glendora, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James D. Hayes, It is ordered that Michael Kohn, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that William H. Wood, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Bremer Hunt, It is ordered that Donald P. Moyers, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Morton Pepper, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Northcutt Ely, It is ordered that Robert Bruce Walkup, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Gravelle, It is ordered that James H. Adamson, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Inland Empire District Council,
Lumber and Sawmill Workers Union,
Lewiston, Idaho, et al.,

Petitioners,

613 vs.

Harry A. Millis, Individually,
etc., et al.

Argument continued by Mr. George E. Flood for the petitioners; by Mr. Alvin J. Rockwell for the respondents; and concluded by Mr. George E. Flood for the petitioners.

Chase Securities Corporation, now
known as Amerex Holding Corporation,

Appellant,

110 vs.

Frank A. Donaldson, et al., etc.

Argued by Mr. Henry Root Stern for the appellant and by Mr. Benedict S. Deimard for the appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Carl R. Miller, It is ordered that Paul Dwight Doolen, Esquire, of Decatur, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Harold L. Allen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Allen Kertz, It is ordered that Benjamin M. Becker, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that J. M. Combs, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Clephane, It is ordered that Alfred F. Burgess, Esquire, of Greenville, State of South Carolina, and Thomas A. Wofford, Esquire, of Greenville, State of South Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Whitney, It is ordered that William W. Robison, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. McFadden, It is ordered that Breck P. McAllister, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Trade Commission,

Petitioner,

559 vs.

A. E. Staley Manufacturing Company, et al.

Argued by Mr. Walter B. Wooden for the petitioner and by Mr. Carl R. Miller and Mr. William D. Whitney for the respondents.

Corn Products Refining Company, et al.,

Petitioners,

680 vs.

Federal Trade Commission.

Argument commenced by Mr. Parker McCollester for the petitioners and continued by Mr. Solicitor General Fahy for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph B. Ely, It is ordered that Frederick M. Kingsbury, Esquire, of Suffield, State of Connecticut, and Edward T. Collins, Esquire, of Springfield, State of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allan Wilbur Denny, It is ordered that Julius Bordon, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo E. Fitzgibbons, It is ordered that Eldon S. Olson, Esquire, of Ames, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy A. Thompson, Trustee, etc., et al.,

Petitioners,

1000 vs.

The Texas Mexican Railway Company.

ON CONSIDERATION of the motion of counsel for the petitioners to extend the time within which to serve petition, brief, and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including March 31, next.

Per Mr. Chief Justice Stone.

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Corn Products Refining Company, et al.,

Petitioners,

680 vs.

Federal Trade Commission.

Argument continued by Mr. Solicitor General Fahy for the respondent and concluded by Mr. Parker McCollister for the petitioners.

Radio Station WOW, Inc., et al.,

Petitioners,

593 vs.

Homer H. Johnson.

Argued by Mr. James Lawrence Fly for the petitioners and by Mr. Don W. Stewart for the respondent.

The United States of America,

Petitioner,

431 vs.

Joseph H. Beuttas, et al., etc.

Argued by Mr. Ralph F. Fuchs for the petitioner and by Mr. P. J. J. Nicolaides for the respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss Marion J. Harron, It is ordered that Billye Norma Russell, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Alexander M. Heron, It is ordered that Clyde Dart, Esquire, of New York, State of New York, and William S. O'Connor, Esquire, of Westport, State of Connecticut, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. C. Oberry, Jr., It is ordered that William R. High, Esquire, of Shawnee, State of Oklahoma, and Harry E. Bryan, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph J. Baker, It is ordered that Austin W. Scott, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Gray, It is ordered that Walter Stein, Esquire, of Philadelphia, State of Pennsylvania; Francis T. Anderson, Esquire, of Philadelphia, State of Pennsylvania; and Norman Snyder, Esquire, of Chester, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Graves, It is ordered that Curtis P. Prangley, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel H. Kunkel, It is ordered that Solomon S. Eisen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Howard Mann, It is ordered that John J. Finn, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Richard Nicholas Ivins, Esquire, of Athens, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. H. Phillips, Inc.,

Petitioner,

608 vs.

L. Metcalfe Walling, Administrator, etc.

Argued by Mr. Joseph B. Ely for the petitioner and by Miss Bessie Margolin for the respondent.

Edward A. Hunt and Robert A. Hunt,
copartners, etc.,

Petitioners,

570 vs.

Edward Crumbooh, President, et al.

Argued by Mr. Peter P. Zion and Mr. Hirsch W. Stalberg for the petitioners and by Mr. William A. Cray for the respondents. Leave granted respondents to file a supplemental brief.

Special Equipment Company,

Petitioner,

469 vs.

Conway P. Coe, Commissioner
of Patents.

Argument commenced by Mr. Clarence J. Loftus for the petitioner and continued by Mr. Curtis P. Prangley for the petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that J. C. Ermentrout, Esquire, of Champaign, State of Illinois, and Lake Jenkins Frazier, Esquire, of Roswell, State of New Mexico, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Adolph C. Hugin, Esquire, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that John R. Franks, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Good, It is ordered that John L. Riddell, Esquire, of York, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry N. Routzohn, It is ordered that Hugh King McKevitt, Esquire, of San Francisco, State of California, and Jack Maxwell Howard, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jean S. Breitenstein, It is ordered that H. Lawrence Hinkley, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert C. Mittendorf, Jr., It is ordered that Francis J. Vossahlik, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newell W. Ellison, It is ordered that W. Crosby Roper, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Dow Chemical Company,

Petitioner,

50 vs.

Halliburton Oil Well Cementing Company; and

Halliburton Oil Well Cementing Company,

Petitioner,

61 vs.

The Dow Chemical Company.

On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Justice Murphy.

Commissioner of Internal Revenue,
Petitioner,
629 vs.
William H. Wemyss.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Roberts.

Charles E. Merrill,
Petitioner,
126 vs.
John L. Fahs, United States Collector of Internal Revenue for the District of Florida.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Douglas join.

Fred G. Drummond, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

520

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Jackson.

Thomas Henry Robinson, Jr., Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

514

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be,

and the same is hereby, remanded to the District Court of the United States for the Western District of Kentucky.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

The United States of America, Petitioner, vs. Frankfort Distilleries, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

523

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. National Distillers Products Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

524

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. Brown Forman Distillers Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

525

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court if affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. Hiram Walker, Incorporated. 526

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. Schenley Distillers Corporation. 527

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. Seagram-Distillers Corporation. 528

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. McKesson & Robbins, Incorporated. 529

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

The United States of America, Petitioner, vs. J. E. Speegle. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

530

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Colorado.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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William Watkins, Petitioner, vs. The United States.

____

ON CONSIDERATION of the petition submitted herein by William Watkins,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Guss Brown,

Petitioner.

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert Lee Wilhoit,

Petitioner.

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dr. William Howard Hay Foundation, Inc.,

Petitioner,

--- vs.

Safety Harbor Sanitorium, Inc.

ON CONSIDERATION of the motion of petitioner for leave to proceed without counsel,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Xeno W. Putnam,

Appellant,

--- vs.

Federal Land Bank of Baltimore.

ON CONSIDERATION of the application for reconsideration of the denial of a petition for appeal in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Universal Oil Products Company,

Petitioner.

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition and mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to the filing of an application for writ of certiorari.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Asbury Hospital,

Appellant,

927 vs.

Cass County, North Dakota.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

United States Alkali Export Association, Inc., et al.,

Petitioners,

1016 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein under Section 262 of the Judicial Code,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

United States Alkali Export Association, Inc., Pittsburgh Plate Glass Company, (Inc.), Church & Dwight Co., Inc., et al.,

Petitioners,

1016 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the District Court of the United States for the Southern District of New York is granted, and the case is consolidated with California Alkali Export Association et al. vs. The United States of America, No. 1017, for argument.

Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by a writ of certiorari under section 262 of the Judicial Code.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

California Alkali Export Association, Inc., et al.,

Petitioners,

1017 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein under Section 262 of the Judicial Code,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

California Alkali Export Association, West End Chemical Co., (Inc.), Pacific Alkali Co., (Ltd.),

Petitioners,

1017 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the District Court of the United States for the Southern District of New York is granted, and the case is consolidated with United States Alkali Export Association, Inc., et al. vs. The United States of America, No. 1016, for argument.

Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by a writ of certiorari under section 262 of the Judicial Code.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

John P. X. Finn, as Trustee of Childs Company,

Petitioner,

953 vs.

Burton C. Meighan, Jr., as Substituted Trustee Under the Last Will and Testament of William T. Wood, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket. Counsel are requested to discuss in their briefs and upon oral argument the question whether the construction of the contract is governed by federal or state law.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Caldwell Sugars, Inc., Petitioner, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

149

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Slack Bros., Inc., Petitioners, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

150

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Globe Indemnity Company, Petitioner, vs. The United States. On petition for writ of certiorari to The Court of Claims.

795

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of Isaac G. Johnson,
Petitioner,
802 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ronald L. Tree and Nancy Perkins Field Tree, His Wife,
Petitioners,
808 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

F. F. Dollert, et al.,
Petitioners,
864 vs.
Pratt-Hewitt Oil Corporation, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 4th Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 4th Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clinton Woodson,

Petitioner,

880 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. D. Driscoll and W. D. Noland, Trustees for Howard Trust Estate, Ltd., an Express Trust Estate,

Petitioners,

886 vs.

The Howard-Vaughan Co., Inc., John D. Rockefeller, Jr., Standard Oil Company of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Mahoney and Truman Mahoney,

Petitioners,

678 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Mahoney and Truman Mahoney,
Petitioners,
678 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emary King,
Petitioner,
690 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Emary King,
Petitioner,
690 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ross C. Holland,

Petitioner,

749 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ross C. Holland,

Petitioner,

749 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Ricca,

Petitioner,

782 vs.

E. J. Welch, Superintendent of Penal Institutions for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William H. Ricca,
Petitioner,
782 vs.
E. J. Welch, Superintendent of Penal Institutions for the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rudolph Joseph Wrobel, Jr.,
Petitioner,
794 vs.
Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rudolph Joseph Wrobel, Jr.,
Petitioner,
794 vs.
Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stephen T. Povich,

Petitioner,

801 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stephen T. Povich,

Petitioner,

801 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

829 vs.

R. P. Williams, as Warden of Kilby Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

829 vs.

R. P. Williams, as Warden of Kilby Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Roy Baker,

Petitioner,

960 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Roy Baker,

Petitioner,

960 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William James Paddy,

Petitioner,

334 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William James Paddy,

Petitioner,

334 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the writ should be granted.

H. E. Perry,

Petitioner,

662 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

H. E. Perry,
Petitioner,
662 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry C. Kelly,
Petitioner,
816 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry C. Kelly,
Petitioner,
816 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Logan Morris,

Petitioner,

936 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Logan Morris,

Petitioner,

936 vs.

Joseph E. Ragen, Warden, Illinois,
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Peter Mancuso,

Petitioner,

937 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Peter Mancuso,

Petitioner,

937 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Abe Chapman,

Petitioner,

797 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Abe Chapman,

Petitioner,

797 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin J. Bernards et al.

Petitioners,

2, October Term, 1941 vs.

M. R. Johnson et al.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

____ vs.

Ralph S. Hinman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Harry Wilson,

Petitioner,

____ vs.

United States District Court, Northern Texas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas J. Molloy & Co., Inc.,

Petitioner,

730 vs.

Stewart Berkshire, as Deputy Commissioner, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otis & Co.,

Petitioner,

81 vs.

Securities and Exchange Commission et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

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O R D E R

The Court will take a recess from Monday, March 12, until Monday, March 26, next.

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The United States of America,
Petitioner,
456 vs.
Two Acres of Land, More or Less, in Will County, State of Illinois and The Grace Evangelical Church, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

IT APPEARING to the Court that counsel for the petitioner, The United States of America, has filed a motion to dismiss the writ of certiorari in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

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Special Equipment Company,
Petitioner,
469 vs.
Conway P. Coe, Commissioner of Patents.

Argument continued by Mr. Assistant Attorney General Shea for the respondent and concluded by Mr. Curtis P. Prangley for the petitioner.

The Hoover Company,
Petitioner,
486 vs.
Conway P. Coe, Commissioner of Patents.

Argued by Mr. Richard R. Fitzsimmons and Mr. William D. Sellers for the petitioner and by Mr. T. Hayward Brown for the respondent.

The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming et al.

Eight hours allowed for oral argument. Argument on exceptions to the report of the special master commenced by Mr. Paul F. Good for the complainant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Mortimer Viser, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Richard Allison Richardson, Esquire, of Kountze, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Millikin, It is ordered that Homer Glen Preston, Esquire of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin Warren Bell, It is ordered that Robert S. Garson, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mayo A. Darling, It is ordered that Robert H. Sproul, Esquire, of Belmont, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Isber, It is ordered that Marcus Sidney Siegel, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen J. McMahon, It is ordered that H. G. Neuschlein, Esquire, of Burlington, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that William H. Harrick, Esquire, of Rockford, State of Illinois, and Robert O. Muller, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Clark, It is ordered that W. L. Crubbs, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Thatcher, It is ordered by I. B. Padway, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming et al.

Argument on exceptions to the report of the special master continued by Mr. Paul F. Good for the complainant; by Mr. W. J. Wehrli for the defendant, State of Wyoming; by Mr. Jean S. Breitenstein for the defendant, State of Colorado; and by Mr. Frederic L. Kirgis for the intervenor, The United States of America.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that J. L. Lee, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. K. Hobbs, It is ordered that Lawrence K. Andrews, Esquire, of Union Springs, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Hanify, It is ordered that Warren G. Reed, Esquire, of Waban, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin Katz, It is ordered that Barnet S. Blume, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hyman Korn, It is ordered that George Tilzer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ivan Robinette, It is ordered that Royal D. Marks, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming et al.

Argument on the exceptions to the report of the special master continued by Mr. Frederic L. Kirgis for the intervenor, The United States of America; by Mr. Paul P. Good, for the complainant; by Mr. W. J. Wehrli for the defendant State of Wyoming; by Mr. Jean S. Breitenstein for the defendant State of Colorado; and concluded by Mr. Frederic L. Kirgis for the intervenor, The United States of America.

Angelus Milling Company,

Petitioner,

610 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Prew Savoy for the petitioner and continued by Mr. J. Louis Monarch for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur Dehon Hill, It is ordered that Leverett Saltonstall, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that John J. Bradley, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Gordon Merritt, It is ordered that Richard Swan Buell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clel Georgetta, It is ordered that Curtis Basch, Esquire, of Daytona Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Thomas A. Williams, Esquire, of Richmond, Commonwealth of Virginia; Leo Charles O'Connor, Esquire, of Richmond, Commonwealth of Virginia; and John W. Fussell, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester C. Dibble, It is ordered that Clarence S. Eastham, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter G. Moyle, It is ordered that George W. K. Snyder, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Angelus Milling Company,

Petitioner,

610 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. J. Louis Monarch for the respondent and concluded by Mr. Prew Savoy for the petitioner.

United Brotherhood of Carpenters and Joiners of America,

Petitioner,

666 vs.

The United States of America;

The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al.,

Petitioners,

667 vs.

The United States of America;

Lumber Products Association, Inc., et al.,

Petitioners,

668 vs.

The United States of America;

Alameda County Building and Construction Trades Council,

Petitioner,

674 vs.

The United States of America; and

Boorman Lumber Company et al.,

Petitioners,

675 vs.

The United States of America.

Argued by Mr. Charles H. Tuttle for the petitioner, United Brotherhood of Carpenters and Joiners of America in Nos. 666 and 667 and by Mr. Assistant Attorney General Berge and Mr. Holmes Baldridge for the respondent, and cases submitted by Mr. Joseph O. Carson II, Mr. Harry W. Routzohn, Mr. Hugh K. McKevitt, and Mr. Jack M. Howard for the petitioner, The Bay Counties District Council of Carpenters, etc., et al., in No. 667; by Mr. Maurice E. Harrison for petitioners in No. 668; by Mr. Guy C. Calden and Mr. Clarence E. Todd for petitioner in No. 674; and by Mr. Morgan J. Doyle for petitioners in No. 675.

Allen Bradley Company et al.,

Petitioners,

702 vs.

Local Union No. 3, International Brotherhood of Electrical Workers, et al.

Argument commenced by Mr. Walter Gordon Merritt for the petitioners and continued by Mr. Harold Stern for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Clyde L. Waller, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that James W. Camp, Esquire, of Sparta, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that J. P. Flowers, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that George P. Howard, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harper A. Hold, It is ordered that Abner J. Grossman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James K. Knudson, It is ordered that Charles A. Stewart, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Aluminate Corporation,

Petitioner,

941 vs.

The Permutit Company et al.

ON CONSIDERATION of the motion of counsel for respondent, The Permutit Company, to extend the time within which to file brief for The Permutit Company,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 21, next.

Per Mr. Chief Justice Stone.

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Allen Bradley Company et al.,

Petitioners,

702 vs.

Local Union No. 3, International Brotherhood of Electrical Workers et al.

Argument continued by Mr. Harold Stern for the respondents and concluded by Mr. Walter Gordon Merritt for the petitioners.

Jewell Ridge Coal Corporation,

Petitioner,

721 vs.

Local No. 6167, United Mine Workers of America, etc., et al.

Argument commenced by Mr. George Richardson, Jr., for the petitioner; continued by Mr. Crampton Harris for the respondents; and concluded by Mr. William A. Stuart for the petitioner.

Ambassador, Inc., et al.,

Appellants,

446 vs.

The United States of America et al.

Argument commenced by Mr. Parker McCollester for the appellants.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Edward L. Friedman, Jr., Esquire, of New York, State of New York, and Eugene Gressman, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Dever, It is ordered that Walter L. Considine, Esquire, of New Bedford, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. S. Y. Ivins, It is ordered that Chester B. McLaughlin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that James Edward Harton, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Shannon, It is ordered that Harry S. Littman, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Christian Dorbandt, It is ordered that Joe W. Sheehy, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard M. Rosenson, It is ordered that James L. Walter, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Paul Y. Cunningham, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Stuart Erdahl, It is ordered that Richard J. Cronan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Northwestern Bands of Shoshone Indians,

Petitioners,

63 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Mr. Justice Roberts is of the view that the judgment should be reversed.

Concurring opinion by Mr. Justice Jackson in which Mr. Justice Black joins.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Frankfurter and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Douglas concur.

Commissioner of Internal Revenue,

Petitioner,

581 vs.

Court Holding Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the Tax Court is affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

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Pacific Gas and Electric Company, Petitioner, vs. Securities and Exchange Commission. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

55

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Ford Motor Company, Appellant, vs. Commonwealth of Pennsylvania. — Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

872

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

The Quaker Oats Company, Appellant, vs. Commonwealth of Pennsylvania. Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

873

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Andrew Scott,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Chesteen McConnell,

Petitioner,

ON CONSIDERATION of the application submitted herein by Chesteen McConnell,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Antonio G. Catovolo,

Petitioner,

vs.

Major General Louis Hibbs, Commanding General of the 63rd Infantry Division, U. S. Army, Camp Van Dorn, Mississippi, et al.

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O R D E R

UPON CONSIDERATION of the application of counsel for petitioner in the above-entitled cause,

IT IS ORDERED that execution and enforcement of the mandate of the United States Circuit Court of Appeals for the Fifth Circuit, and all further proceedings, be stayed pending the final disposition of the petition for writ of certiorari to be filed within the time provided by law.

Per Mr. Chief Justice Stone.

Railway Mail Association,

Appellant,

691 vs.

Edward S. Corsi, as Industrial Commissioner of the State of New York, et al.

ON CONSIDERATION of the motions of the American Civil Liberties Union and National Association for the Advancement of Colored People for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

United Federal Workers of America (C.I.O.) et al.,

Appellants,

911 vs.

Harry B. Mitchell et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Heber Kimball Cleveland, Petitioner, vs. The United States of America. — Order allowing certiorari.

895

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Heber Kimball Cleveland, Petitioner, vs. The United States of America. — Order allowing certiorari.

896

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Heber Kimball Cleveland, Petitioner, vs. The United States of America. — Order allowing certiorari.

897

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

David Brigham Darger, Petitioner, vs. The United States of America. — Order allowing certiorari.

898

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Vergel Y. Jessop, Petitioner, vs. The United States of America. — Order allowing certiorari.

899

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Theral Ray Dockstader, Petitioner, vs. The United States of America. — Order allowing certiorari.

900

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. R. Stubbs, Order allowing certiorari.

Petitioner,

901 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Pollis Gardner Petty, Order allowing certiorari.

Petitioner,

902 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William Chatwin, Order allowing certiorari.

Petitioner,

903 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles P. Zitting, Order allowing certiorari.

Petitioner,

904 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Edna Christensen, Order allowing certiorari.

Petitioner,

905 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission, Order allowing certiorari.

Petitioner,

815 vs.

Samuel Okin.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 470, American Power & Light Company vs. Securities and Exchange Commission.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Chester Bowles, Administrator, Office of Price Administration,

Petitioner,

914 vs.

Seminole Rock & Sand Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Trust u/w of Mary Lily (Flagler) Bingham, Messrs. William H. Kenan, Jr., and Lawrence C. Haines, Trustees,

Petitioner,

932 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

United States Gypsum Company,

Petitioner,

857 vs.

National War Labor Board, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. K. Wall,

Petitioner,

874 vs.

Mrs. Mattie Brim.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John B. Des Rosiers,

Petitioner,

875 vs.

Ford Motor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Darragh A. Park, as Chairman of a Group of Holders of Adjustment Mortgage Bonds,

Petitioner,

907 vs.

Group of Institutional Investors and Mutual Savings Bank Group, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bulldog Electric Products Co., Petitioner, vs. Westinghouse Electric and Manufacturing Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

912

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Ohio Public Service Company, Petitioner, vs. The National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

917

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hester Hines, Administratrix of the Estate of Ivan Pearl Hines, Deceased, et al., Petitioners, vs. Louisville & Nashville Railroad Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

928

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Memorial Park, Inc.,
Petitioner,
933 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
949 vs.
Montgomery Ward & Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the application has been made prior to judgment of the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Oscar Holt and William R. Dahl,
Petitioner,
848 vs.
Barnesville Farmers Elevator Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Oscar Holt and William R. Dahl,
Petitioner,
848 vs.
Barnesville Farmers Elevator Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Harris, et al.,
Petitioners,
881 vs.
L. C. Hammond, Operating and Doing Business as L. C. Hammond & Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Harris, et al.,
Petitioners,
881 vs.
L. C. Hammond, Operating and Doing Business as L. C. Hammond & Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Howard Johnson,

Petitioner,

938 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard Johnson,

Petitioner,

938 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl Evans,

Petitioner,

939 vs.

Walter Nierstheimer, Warden, Illinois
State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Earl Evans,

Petitioner,

939 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America, The Bank of Nova Scotia, Juan Angel Tio and His Wife, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America, The Bank of Nova Scotia, Juan Angel Tio and His Wife, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia, et al.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this motion.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America et al.;

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia et al.

ON CONSIDERATION of the motion to consolidate these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this motion.

State Farm Mutual Automobile Insurance Company, an Illinois Corporation,

Appellant,

115 vs.

Morvin Duel, Commissioner of Insurance of the State of Wisconsin.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnesota Mining & Manufacturing Company,

Petitioner,

738 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack Cole Company, Inc.,

Appellant,

850 vs.

The United States of America et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Dulaney Mitchell,

Petitioner,

1112, October Term, 1941 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that it was not filed within the time provided by the rules.

Per Mr. Chief Justice Stone.

Ex parte Universal Oil Products Company,

Petitioner.

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A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Elbert J. Burns, alias E. J. Burns,

Petitioner,

879 vs.

The State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this application.

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Ambassador, Inc., et al.,

Appellants,

446 vs.

The United States of America et al.

Argument continued by Mr. Parker McCollester for the appellants; by Mr. Solicitor General Fahy for appellee The United States; by Mr. T. Brooke Price for appellee American Telephone and Telegraph Company et al.; and concluded by Mr. Parker McCollester for the appellants.

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Proclamation being made the Court is adjourned until Monday, March 26, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Francis J. McGreal, Esquire, of Chicago, State of Illinois; William Robert Koerner, Esquire, of Saint Paul, State of Minnesota; and Denis M. Hurley, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Donald H. Latshaw, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul D. P. Spearman, It is ordered that James Lee McDowell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kim Sigler, It is ordered that Harold H. Warner, Esquire, of Lansing, State of Michigan, and Victor C. Anderson, Esquire, of East Lansing, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Hofheimer, It is ordered that Henry Hofheimer, Jr., Esquire, of New York, State of New York, and Louis W. Goodkind, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Thomas Reed Powell, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy W. Keekins, It is ordered that William R. Phillips, Esquire, of Huntington Park, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Kimbel, It is ordered that Burton A. Tibbits, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Ward, It is ordered that Ferdinand Born, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brainerd W. LaTourette, It is ordered that Gregory M. Rebman, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Leavenworth Colby, It is ordered that William P. Cairo, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cornelius M. Doherty, It is ordered that Stanley H. Kamerow, Esquire, of Washington, District of Columbia, and Herbert F. Sacks, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair McTurnan, It is ordered that Harry E. Yockey, Esquire, of Indianapolis, State of Indiana, and Fred I. King, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that Rudolph Bumgardner, Jr., Esquire, of Staunton, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"With profound regret, I announce the death, on March 22, 1945, at San Diego, California, of John Hessin Clarke, of Ohio, a former Associate Justice of this Court.

"Appointed by President Wilson, he took his seat October 9, 1916, and resigned his office September 18, 1922."

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The United States,

Petitioner,

312 vs.

Willow River Power Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Reed concurs in the result on the ground that the United States has not taken property of the respondent.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice concurs.

The Connecticut Light and Power Company,

Petitioner,

189 vs.

Federal Power Commission.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with instructions to remand the cause to the Federal Power Commission for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Rutledge concurs in the result.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Reed join.

Commissioner of Internal Revenue,
Petitioner,
vs.
Elliott H. Wheeler and Rollo C. Wheeler, Executors of the Estate of John H. Wheeler, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

354

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the decisions of the Tax Court are affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Roberts.

Market Street Railway Company,
Appellant,
vs.
Railroad Commission of the State of California, Franck R. Havenner, C. C. Baker, et al., etc.

Appeal from the Supreme Court of the State of California.

510

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Market Street Railway Company,
Appellant,
vs.
Railroad Commission of the State of California, Franck R. Havenner, C. C. Baker, et al., etc.

Appeal from the Supreme Court of the State of California.

511

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed with costs.

Per Mr. Justice Jackson.

A. H. Phillips, Inc.,
Petitioner,
vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

608

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice Murphy.

The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result.

Dissenting: Mr. Justice Roberts.

Morris Malinski and Sidney Rudish, Petitioners, vs. The People of the State of New York.

On writ of certiorari to the Court of Appeals of the State of New York.

367

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals against Rudish be, and the same is hereby, affirmed; and that the judgment against Malinski be, and the same is hereby, reversed.

AND IT IS FURTHER ORDERED that this cause as to both Rudish and Malinski be, and the same is hereby, remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge join in Part I of the opinion delivered by Mr. Justice Douglas.

Separate opinion by Mr. Justice Frankfurter.

Opinion by Mr. Justice Rutledge dissenting in part in which Mr. Justice Murphy joins.

Opinion by Mr. Justice Murphy dissenting in part.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson join.

The State of Georgia, Complainant, vs. The Pennsylvania Railroad Company, et al.

On motion for leave to file amended bill of complaint.

11, Original

THIS CAUSE came on to be heard on the motion for leave to file the amended bill of complaint and the returns to the rule to show cause thereupon issued.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file the amended bill of complaint be, and the same is hereby, granted.

IT IS FURTHER ORDERED that process issue returnable May 28, 1945.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson join.

Estate of Henry W. Putnam, Guaranty Trust Company of New York, Executor, Petitioner,

534 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

The United States of America, Petitioner,

495 vs.

Commodore Park, Incorporated.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States

for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

Special Equipment Company, Petitioner, vs. Conway P. Coe, Commissioner of Patents.

469

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

Dissenting opinion by Mr. Justice Rutledge.

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The Chief Justice announced the following order of the Court:

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State of Wisconsin, ex rel. Arthur A. Bartelt, Administrator of the Estate of Walter C. Bartelt, Deceased,

Appellant,

982 vs.

Stormy S. Thompson, August B. Priegel, Alex C. Ruffing.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Joseph Richetsky,

Petitioner.

____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Howard Van Orden,

Petitioner.

____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Davis,

Petitioner,

____ vs.

James A. Johnston, Warden of U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dorsey W. McMahan,

Petitioner,

____.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Duncombe,

Petitioner,

vs.

Joseph Martinson et al.

ON CONSIDERATION of the application submitted herein by Harry Duncombe,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ross C. Holland,

Petitioner,

749 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion of petitioner, dated March 10, 1945, for leave to file a petition for writ of habeas corpus in the District Court of the United States for the Northern District of Illinois,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Defense Plant Corporation,

Appellant,

979 vs.

County of Beaver, Pennsylvania.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

L. C. Akins, Order allowing certiorari.

Petitioner,

853 vs.

The State of Texas.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The American Tobacco Company, American Suppliers, Inc., George Washington Hill, et al., Order allowing certiorari.

Petitioners,

837 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether actual exclusion of competitors is necessary to the crime of monopolization under Section 2 of the Sherman Act.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Liggett & Myers Tobacco Company, et al., Order allowing certiorari.

Petitioners,

838 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether actual exclusion of competitors is necessary to the

crime of monopolization under Section 2 of the Sherman Act.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

R. J. Reynolds Tobacco Company, William N. Reynolds, S. Clay Williams, et al., — Order allowing certiorari.

Petitioners,

840 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether actual exclusion of competitors is necessary to the crime of monopolization under Section 2 of the Sherman Act.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Securities and Exchange Commission, — Order allowing certiorari.

Petitioner,

1059 vs.

Long Island Lighting Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument during the session of the Court convening April 23.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission,

Petitioner,

1059 vs.

Long Island Lighting Company.

ORDER

Upon motion of the Securities and Exchange Commission, by the Solicitor General, and upon due notice to Charles G. Blakeslee and Harold R. Medina, counsel for Long Island Lighting Company;

And it appearing that on December 21, 1944, a temporary restraining order was issued in this cause by Circuit Judge Augustus N. Hand of the United States Circuit Court of Appeals for the Second Circuit which provided that, pending the hearing of the appeal or the further order of that court,

> ". . . the respondent and its attorneys, officers, employees and agents, including its transfer agents, and each of them, be and they hereby are enjoined and restrained from directly or indirectly consummating or carrying out, or taking any steps to consummate or to carry out or effectuate its plan of recapitalization, including the making of any requests for surrender of certificates representing the outstanding shares of capital stock of Long Island Lighting Company, the over-printing of any legend on such certificates, or the issue or delivery of any certificates in exchange . . .";

And it further appearing that the United States Circuit Court of Appeals for the Second Circuit has by order issued March 14, 1945, continued said temporary restraining order in effect to and including the date of a determination by this Court, or a Justice thereof, of the Commission's motion for a temporary restraining order pending proceedings in this Court;

IT IS ORDERED that the temporary restraining order heretofore issued in this cause by Circuit Judge Augustus N. Hand, as aforesaid, be and is continued in effect until the issuance of the mandate of this Court.

Per Mr. Chief Justice Stone.

Meurer Steel Barrel Company, Inc., Petitioner,
614 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel O. Hastings, as special trustee of Standard Gas and Electric Company, Debtor, Petitioner,
828 vs.
Haystone Securities Corporation, H. M. Byllesby and Company, Byllesby Corporation, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Acme Poultry Corporation, Petitioner,
870 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The City of Orangeburg, Petitioner, vs. The Southern Railway Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

940

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Igal Roodenko, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

947

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Condenser Corporation of America, Petitioner, vs. Micamold Radio Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

970

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville,

Petitioner,

885 vs.

R. C. Tway.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Franz Frederick,

Petitioner,

930 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Willard Thompson and Angy Thomas Casten,

Petitioners,

943 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leslie Ben Drake, et al., Petitioners,
944 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Negro, Petitioner,
945 vs.
Boston and Maine Railroad.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Proctor, Jr., and Almond James Jones, Petitioners,
957 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. L. Mosher,

Petitioner,

965 vs.

W. R. Wayland, Fred G. Holmes and Del E. Webb.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William C. May,

Petitioner,

968 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Doss,

Petitioner,

934 vs.

E. E. Lindsley, Sheriff of Piatt County, Illinois.

ON CONSIDERATION of the motion of petitioner to defer consideration of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Doss,

Petitioner,

934 vs.

E. E. Lindsley, Sheriff of Piatt County, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Custer M. Coyle,

Petitioner,

906 vs.

The People of the State of California and Robert A. Heinze, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Custer M. Coyle,

Petitioner,

906 vs.

The People of the State of California and Robert A. Heinze, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward W. Westrup,

Petitioner,

962 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward W. Westrup,

Petitioner,

962 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leroy Baker,

Petitioner,

1015 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leroy Baker,

Petitioner,

1015 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Bloomenthal,

Petitioner,

1018 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Bloomenthal,

Petitioner,

1018 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General George Watkins,

Petitioner,

961 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

General George Watkins,

Petitioner,

961 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Frank B. Kuczynski,

Petitioner,

---- vs.

Hon. Patrick H. O'Brien, Judge.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles E. Merrill,

Petitioner,

126 vs.

John L. Pahs, United States Collector of Internal Revenue, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charleston Federal Savings & Loan Association et al.,

Petitioners,

400 vs.

George P. Alderson, State Tax Commissioner of West Virginia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry C. Kelly,

Petitioner,

816 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bulldog Electric Products Co.,

Petitioner,

912 vs.

Westinghouse Electric and Manufacturing Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Mancuso,

Petitioner,

937 vs.

Joseph E. Hagen, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

949 vs.

Montgomery Ward & Company, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the motion for other relief submitted by John Mosher,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Southern Pacific Company,

Appellant,

56 vs.

State of Arizona ex rel. Joe Conway, Attorney General, etc.

Three and one-half hours allowed for oral argument. Argument commenced by Mr. Burton Mason for the appellant and continued by Mr. J. Carter Fort for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Leslie L. Anderson, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Handley Carlisle Harrison, Esquire, of La Grange, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan C. Maxwell, It is ordered that Howard H. Starrett, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Milton Greenfield, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Southern Pacific Company,

Appellant,

56 vs.

State of Arizona, ex rel. Joe Conway,
Attorney General of the State of Arizona.

ON CONSIDERATION of the motion to substitute John L. Sullivan, present Attorney General of the State of Arizona, in the place and stead of Joe Conway, as the party appellee in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the case is so continued and maintained.

Per Mr. Chief Justice Stone.

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Southern Pacific Company,

Appellant,

56 vs.

State of Arizona, ex rel. John L.
Sullivan, Attorney General of the
State of Arizona.

Argument continued by Mr. Robert L. Stern for the United States, as amicus curiae, by special leave of Court; by Mr. Harold N. McLaughlin and by Mr. Harold C. Heiss for the appellee; and concluded by Mr. J. Carter Fort for the appellant.

The United States of America et al.,

Appellants,

448 vs.

Hancock Truck Lines, Inc.; and

Regular Common Carriers Conference
of the American Trucking Associations,
Inc.,

Appellants,

449 vs.

Hancock Truck Lines, Inc.

Argued by Mr. Edward Dumbauld for the appellants in No. 448; by Mr. B. W. LaTourette for the appellant in No. 449; by Mr. Albert Ward and Mr. Ferdinand Born for the appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss Mary Elizabeth Rose, It is ordered that Frazer Frost Hilder, Esquire, of Washington, District of Columbia, and Peter Frost Hilder, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Southmayd, It is ordered that Joseph J. Burris, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Levi, It is ordered that Wilber G. Katz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kit P. Clardy, It is ordered that Harold D. Brown, Esquire, of Anna, State of Illinois, and Stephen B. Walack, Esquire, of South River, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Interstate Commerce Commission,
The Willett Company of Indiana, Inc.,
et al.,

Appellants,

507 vs.

Harry A. Parker, Doing business as
Parker Motor Freight, et al.; and

The United States of America,

Appellant,

508 vs.

Harry A. Parker, Doing business as
Parker Motor Freight, et al.

Argued by Mr. Daniel H. Kunkel for the appellant, Interstate Commerce Commission; by Mr. John Dickinson for the appellants, The Willett Company of Indiana, Inc., and the Pennsylvania Railroad Company; by Mr. Kit P. Clardy for the appellees, Harry A. Parker, etc., et al., and Mr. Fred I. King for the appellee, Norwalk Truck Line Co.

American Trucking Association, Inc.,
Southern Motor Carriers' Rate
Conference, et al.,

Appellants,

558 vs.

The United States of America et al.

Argument commenced by Mr. J. Minian Beall for the appellants; continued by Mr. Daniel H. Kunkel for the appellee, Interstate Commerce Commission; by Mr. Charles T. Abeles for the appellees, Receivers of the Seaboard Air Line Railway Company.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harold G. Hernly, It is ordered that David H. Moses, Esquire, of Suffern, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Irving Shutts, Esquire, of Joliet, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Creighton Wines, It is ordered that Virginia Wanless Barber, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. E. E. Danly, It is ordered that William H. Chadwick, Esquire, of Herndon, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Wertz, It is ordered that Eli T. Conner, Esquire, of Port Jervis, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Oscar Lindstrand, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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William A. Doss,

Petitioner,

934 vs.

E. E. Lindsley, Sheriff of Piatt County, Illinois.

ON CONSIDERATION of the motion to stay the issuance of the order denying the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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American Trucking Association, Inc., Southern Motor Carriers' Rate Conference, et al.,

Appellants,

558 vs.

The United States of America et al.

Argument concluded by Mr. Charles T. Abeles for the appellees, receivers of the Seaboard Air Line Railway Company.

Commissioner of Internal Revenue,

Petitioner,

710 vs.

Estate of Edward T. Bedford, Title Guarantee and Trust Company, executor.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. Erwin N. Griswold for the respondent.

Dewey White,

Petitioner,

212 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, and

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

Argument commenced by Mr. Wilber G. Katz for the petitioners and continued by Mr. William C. Wines for the respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Jess G. Schiffman, Esquire, of Baltimore, State of Maryland; Paul F. Wachtman, Esquire, of Kansas City, State of Missouri; and Alexander Boskoff, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Combs, It is ordered that Homer E. Stephenson, Esquire, of Orange, State of Texas, and James N. Neff, Esquire, of Orange, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Atlee Walker, It is ordered that Oris L. Barney, Esquire, of Anadarko, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Creighton Wines, It is ordered that Henry Rankin Barber, Esquire, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry M. Plotkin, It is ordered that Joseph Mordecai Kittner, Esquire, of Weldon, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. L. Mohundro, It is ordered that George L. Frank, Esquire, of Greenbelt, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Lapsley, It is ordered that John E. Adams, Esquire, of Grove Hill, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Tom Watson, It is ordered that Howard S. Bailey, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that Leroy Perry Bishop, Esquire, of Paola, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Colorado Interstate Gas Company, Petitioner,

379 vs.

Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts and Mr. Justice Reed dissent from so much of the opinion as approves the allocation by the Commission of investments and expenses to the non-regulable transmission properties.

Concurring opinion by Mr. Justice Jackson.

Canadian River Gas Company, Petitioner,

380 vs.

Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Jackson.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

Colorado-Wyoming Gas Company,
Petitioner,
575 vs.
Federal Power Commission, Colorado Interstate Gas Company, City and County of Denver, Colorado, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows: The decree of the Circuit Court of Appeals is affirmed insofar as it sustained the order of the Federal Power Commission directing petitioner to reduce its rates by $98,000. As to the balance of the rate reduction the judgment is reversed, and the order of the Commission is set aside.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals with instructions to remand to the Commission for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting in part: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter.

Panhandle Eastern Pipe Line Company, Illinois Natural Gas Company, et al.,
Petitioners,
296 vs.
Federal Power Commission, City of Detroit, County of Wayne, Michigan, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

Hartford-Empire Co., et al.,
Appellants,
2 vs.
The United States of America;

Corning Glass Works et al.,
Appellants,
3 vs.
The United States of America;

Owens-Illinois Glass Company et al.,
Appellants,
4 vs.
The United States of America;

Hazel-Atlas Glass Company et al.,
Appellants,
5 vs.
The United States of America;

Thatcher Manufacturing Company et al.,
Appellants,
6 vs.
The United States of America; and

Lynch Corporation et al.,

Appellants,

7 vs.

The United States of America.

ON CONSIDERATION of the petition of the United States for clarification or reconsideration of the opinion herein,

IT IS ORDERED by this Court that opinion of January 8, 1945, be, and the same is hereby, clarified and modified as indicated in the opinion announced this day. The petition for clarification or reconsideration in other respects is denied.

Per Mr. Justice Roberts.

Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these cases.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black joins.

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The Chief Justice announced the following orders of the Court:

Johnny J. Jones,

Appellant,

976 vs.

M. Gary Whittle, as Sheriff of Richmond County, Georgia.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED by this Court that the appeal herein

be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Albert Edmund Barlow et al., Appellants, vs. The State of Utah. Appeal from the Supreme Court of the State of Utah.

1037

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Leonard C. Stockton,

____ vs.

State of Texas.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

10, Original vs.

The State of Wyoming and The Ohio Oil Company.

The reply to the Answer and Counterclaim is received and ordered to be filed.

Per Mr. Chief Justice Stone.

Leo M. Hill et al.,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom Watson, Attorney General.

ON CONSIDERATION of the motions of the American Civil Liberties Union and Workers Defense League for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1026 vs.

American Union Transport, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Chester C. Bollenbach,

Petitioner,

996 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

955 vs.

Youngerman-Reynolds Hardwood Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

956 vs.

Harnischfeger Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

In the Matter of Robert D. Michael,

964 Petitioner.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Houston White,

Petitioner,

845 vs.

State of Georgia.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lucille Richardson,
Petitioner,
876 vs.
Joseph H. Richardson and Harriet Richardson.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Aluminate Corporation,
Petitioner,
941 vs.
The Permutit Company and Leo J. Crowley, Alien Property Custodian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Superior Coal Company,
Petitioner,
950 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. S. Genecov, et al., Petitioners,
954 vs.
The Federal Petroleum Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Franklin Life Insurance Company, Petitioner,
959 vs.
Maude M. Heitchew.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pfeiffer Brewing Company, Petitioner,
972 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max E. Friedmann,

Petitioner,

973 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elizabeth Chalk Adams,

Petitioner,

974 vs.

City Bank Farmers Trust Company, et al., as Executors, etc., et al.

On petition for writ of certiorari to the Surrogate's Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Surrogate's Court of the State of New York, County of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Merrel P. Calloway, as Trustee of the Central of Georgia Railway Company,

Petitioner,

975 vs.

Ellis C. Hart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Simon Metrik,

Petitioner,

995 vs.

Fort Tryon Gardens, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Term, First Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Term, First Department, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of B. H. Kroger, Deceased, Chester P. Kroger, Irving W. Pettengill, et al.,

Petitioners,

998 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

President and Directors of Manhattan Company,

Petitioner,

1001 vs.

Charles H. Kelby, et al., Trustees of the Debtor, Prudence Bonds Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

President and Directors of Manhattan Company,

Petitioner,

1002 vs.

Charles H. Kelby, et al., Trustees of the Debtor, Prudence Bonds Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Franklin Peanut Company,

Petitioner,

1004 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

T. Frank Dolan, Jr., Laurence Sovik and Merchandise Brokerage Corporation,

Petitioners,

1008 vs.

Robert P. Meyer and Mokova Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pauline B. Barry, Administratrix of the Estate of Ralph E. Barry, Deceased,

Petitioner,

929 vs.

Reading Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Campagna, Paul de Lucia, Phil d'Andrea, et al.,

Petitioners,

935 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Maritote,

Petitioner,

942 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Kaufman,

Petitioner,

946 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Spurlock,

Petitioner,

841 vs.

Wm. P. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied on the ground that the cause is moot.

Per Mr. Chief Justice Stone.

Mary Burgin Potts,

Petitioner,

719 vs.

Hubert H. Potts.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mary Durgin Potts,
Petitioner,
719 vs.
Hubert H. Potts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Gallagher,
Petitioner,
761 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Gallagher,
Petitioner,
761 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack A. McCoy,

Petitioner,

809 vs.

M. J. Pescor, Warden, United States Medical Center, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jack A. McCoy,

Petitioner,

809 vs.

M. J. Pescor, Warden, United States Medical Center, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herbert Anderson,

Petitioner,

951 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Herbert Anderson,

Petitioner,

951 vs.

State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alexander St. John,

Petitioner,

978 vs.

E. M. Stubblefield, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Alexander St. John,

Petitioner,

978 vs.

E. M. Stubblefield, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edwin Tompsett,

Petitioner,

1010 vs.

State of Ohio and Frank D. Henderson, Warden, Ohio State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edwin Tompsett,

Petitioner,

1010 vs.

State of Ohio and Frank D. Henderson, Warden, Ohio State Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Meyers,

Petitioner,

1019 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Meyers,

Petitioner,

1019 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Fitzgerald,

Petitioner,

766 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Fitzgerald,

Petitioner,

766 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Fitzgerald,

Petitioner,

766 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for other relief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Caldwell Sugars, Inc.,

Petitioner,

149 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Slack Bros., Inc.,

Petitioner,

150 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Waldon,

Petitioner,

704 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

829 vs.

R. P. Williams, as Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

F. F. Dollert et al.,

Petitioners,

864 vs.

Pratt-Hewit Oil Corporation et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl Evans,

Petitioner,

939 vs.

Walter Nierstheimer, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

____ vs.

Ralph S. Hinman.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Seldon R. Glenn, Collector of Internal Revenue,

Petitioner,

238 vs.

Eleanor Beard.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Seldon R. Glenn, Collector of Internal Revenue,

Petitioner,

238 vs.

Eleanor Beard.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnesota Mining & Manufacturing Company,

Petitioner,

738 vs.

Conway P. Coe, Commissioner of Patents.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Minnesota Mining & Manufacturing Company,

Petitioner,

738 vs.

Conway P. Coe, Commissioner of Patents.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R

The Court will take a recess from Monday, April 9, until Monday, April 23, next.

Per Mr. Chief Justice Stone.

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Dewey White,

Petitioner,

212 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, and

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

Argument continued by Mr. William C. Wines for the respondent and concluded by Mr. Wilber G. Katz for the petitioners.

The Barrett Line, Inc.,

Appellant,

630 vs.

The United States of America,
Interstate Commerce Commission,
et al.

Argued by Mr. Robert E. Quirk for the appellant and Mr. Walter J. Cummings, Jr., for the appellees, United States and Interstate Commerce Commission and Mr. Harry C. Ames, for the appellees, American Barge Line Co., et al.

Harry Bridges,

Petitioner,

788 vs.

I. F. Wixon, as District Director,
Immigration and Naturalization
Service, etc.

Argument commenced by Mr. Richard Gladstein for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Maurice J. Mahoney, It is ordered that Robert Goss Day, Esquire, of Warren, State of Ohio, and Edward Patrick McHugh, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Haverty, Jr., It is ordered that Albert C. Lazure, Esquire, of Arlington, Commonwealth of Virginia, and Woodrow Wilson Storey, Esquire, of Bethesda, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Lee M. Sharrar, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen McKevett Farrand, It is ordered that Warren Gates Harris, Esquire, of Millbury, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Ross Gamble, It is ordered that Robert A. Henderson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harry Bridges,

Petitioner,

788 vs.

I. F. Wixon, as District Director, Immigration and Naturalization Service, etc.

Argument continued by Mr. Richard Gladstein and by Mr. Lee Pressman for the petitioner and concluded by Mr. Solicitor General Fahy for the respondent.

Railway Mail Association,

Appellant,

691 vs.

Edward S. Corsi, as Industrial Commissioner of the State of New York, et al.

Argued by Mr. Daniel J. Dugan for the appellant and by Mr. Wendell P. Brown for the appellees.

Alabama State Federation of
Labor, Local Union No. 103,
United Brotherhood of Carpenters
and Joiners of America, et al.,

Petitioners,

588 vs.

Robert E. McAdory, as Solicitor of
Jefferson County, Alabama, et al, and

Congress of Industrial Organizations,
etc., et al.,

Petitioners,

855 vs.

Robert E. McAdory, as Solicitor of
Jefferson County, Alabama, et al.

Argument commenced by Mr. Horace C. Wilkinson for the petitioner in No. 588, and continued by Mr. Leo Pressman for the petitioner in No. 855.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert W. Byerly, It is ordered that Milton Zucker, Esquire, of New York, State of New York, and Ralph M. Watson, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Selby, It is ordered that Monroe Goldwater, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Schuessler, It is ordered that Albertus Brown Conn, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that John M. Harlan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice J. Mahoney, It is ordered that Frank R. S. Kaplan, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archibald King, It is ordered that William H. Beck, Esquire, of Griffin, State of Georgia, and William H. Beck, Jr., Esquire, of Griffin, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Spencer B. Michael, It is ordered that Donald J. Simpson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Gilbert Rhoades, It is ordered that Ralph O. Bricker, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Mackay, It is ordered that Milton Diamond, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Piel, Jr., It is ordered that Lincoln C. Brownell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Gustave Werner, It is ordered that Ernst J. vonBriesen, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert G. Pillen, It is ordered that Milton Pollack, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Alabama State Federation of
Labor, Local Union No. 103,
United Brotherhood of Carpenters
and Joiners of America, et al.,

Petitioners,

588 vs.

Robert E. McAdory, as Solicitor of
Jefferson County, Alabama, et al., and

Congress of Industrial Organizations,
etc., et al.,

Petitioners,

855 vs.

Robert E. McAdory, as Solicitor of
Jefferson County, Alabama, et al.

Argument continued by Mr. Lee Pressman for the petitioners in No. 855; by Joseph A. Padway for petitioners in No. 588; by Mr. John W. Lapsley, Mr. John E. Adams, and by Mr. James A. Simpson for respondents; and concluded by Mr. Joseph A. Padway for the petitioners in No. 588.

Leo M. Hill and United Association
of Journeymen Plumbers and Steamfitters
of United States and Canada Local No.
234,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom
Watson, Attorney General.

Argument commenced by Mr. Herbert S. Thatcher for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John A. Kelly, It is ordered that Arthur H. Wheaton, Esquire, of New York, State of New York, and George F. Keenan, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bert Russell Decker, It is ordered that Cecil L. Utterback, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rolland Lee Nutt, It is ordered that Henry Bahr, Esquire, of Washington, District of Columbia, and Milton A. Smith, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Loyola M. Coyne, It is ordered that Sophia A. Olmsted, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Joseph C. Duggan, It is ordered that C. Weber Tuley, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson Thomas, It is ordered that Henry F. Walker, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Roland Potter, It is ordered that William McCreary Fry, Esquire, of Morristown, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Saul R. Alexander, Esquire, of Paterson, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Gilbert Dana Calden, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Leo H. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada, Local No. 234,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom Watson, Attorney General.

Argument continued by Mr. Herbert S. Thatcher for the petitioners; by Mr. Howard S. Bailey for respondent; by Mr. Joseph A. Padway for petitioners; by Mr. Howard S. Bailey for respondent; and concluded by Mr. J. Tom Watson for respondent.

Sinclair & Carroll Company, Inc.,

Petitioner,

656 vs.

Interchemical Corporation.

Argued by Mr. William D. Mitchell for petitioner and by Mr. Robert W. Byerly for the respondent.

Copperweld Steel Company,

Appellant,

684 vs.

Industrial Commission of Ohio.

Argument commenced by Mr. Robert G. Day for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Robert L. Sonfield, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Mitchell, It is ordered that Charles A. Woods, Jr., Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Koenigsberger, It is ordered that Oscar S. Rosner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that John Hays, Esquire, of Palo Alto, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard M. Keck, It is ordered that William J. Brennan, Jr., Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that George Gildea, Esquire, of Trenton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham H. Prisch, It is ordered that James L. Goldwater, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Copperweld Steel Company,

Appellant,

684 vs.

Industrial Commission of Ohio.

Argument continued by Mr. Robert G. Day for the appellant; by Mr. E. G. Schuessler and by Mr. Albertus D. Conn for appellee; and concluded by Mr. Robert G. Day for the appellant.

The Borden Company,

Petitioner,

688 vs.

Joseph Borella, Charles J. Burke, Walter Cross, et al.

Argued by Mr. John A. Kelly for the petitioner and Mr. A. H. Prisch for the respondent.

10 East 40th Street Building, Inc.,

Petitioner,

820 vs.

Charles Callus, Samuel Said, Louis Saggese, et al.

Argued by Mr. Joseph M. Proskauer for the petitioner; by Mr. Monroe Goldwater for the respondents; and by Miss Bessie Margolin for L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, in Nos. 688 and 820, as amicus curiae, by special leave of Court.

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Proclamation being made the Court is adjourned until Monday, April 9, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Arthur Joseph Marchessault, Esquire, of Detroit, State of Michigan; John W. Wolf, Esquire, of Detroit, State of Michigan; and David E. Burgess, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Tom Pickett, Esquire, of Palestine, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Iverson J. Walker, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Clifton Hildebrand, Esquire, of Oakland, State of California, and Boris Kostelanetz, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Smoyer, It is ordered that Stanley C. Smoyer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. Darke, Jr., It is ordered that Eugene E. Goeffrey, Jr., Esquire, of Ridgefield Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Brooklyn Savings Bank, Petitioner, vs. William J. O'Neil. 445

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting: Mr. Chief Justice Stone, Mr. Justice Roberts, and Mr. Justice Frankfurter.

L. Elwood Dize, Trading as Dize Box Company,

Petitioner,

554 vs.

Lake Maddrix.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland.

Per Mr. Justice Reed.

Concurring: Mr. Chief Justice Stone, Mr. Justice Roberts, and Mr. Justice Frankfurter.

Arsenal Building Corporation and Spear & Co., Inc.,

Petitioners,

421 vs.

Meyer Greenberg, Suing in Behalf of Himself and Other Employees and Former Employees of Defendants Similarly Situated.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs insofar as it included interest; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

J. F. Fitzgerald Construction Company,

Petitioner,

462 vs.

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself, etc.

On writ of certiorari to the Supreme Court of the State of New York, Columbia County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Columbia County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the judgment of the said Supreme Court, in this cause on the remittitur from the Court of Appeals be, and the same is hereby, affirmed except insofar as it provides for recovery of interest on the sums due respondents under the Fair Labor Standards Act and in this latter respect the judgment is reversed, costs in this Court to be equally divided.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

The Hooven & Allison Co.,

Petitioner,

38 vs.

William S. Evatt, Tax Commissioner of Ohio.

On writ of certiorari to the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Reed dissenting in part.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join.

Mr. Justice Douglas is of the view that accepting the Court's ruling that the products in question are "imports", the rule should be applied without discrimination against the Philippines.

Opinion by Mr. Justice Murphy concurring in part and dissenting in part.

Commissioner of Internal Revenue,

Petitioner,

371 vs.

John H. Smith.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts adheres to his dissent.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Commissioner of Internal Revenue,

Petitioner,

371 vs.

John H. Smith.

The opinion of the Court is modified by adding the following at the end of the first sentence on page 3 of the opinion: "Respondent testified that if the option could have been sold at the time he received it, it would have been for only a 'negligible' or 'nominal' amount. He has never contended that the option itself had value when given and there was no finding by The Tax Court that it then had value. The Tax Court, in stating the principle which it deemed applicable to the present case, quoted from Estate of Edward J. Connolly, 45 B.T.A. 374, as follows: 'If the options had never been exercised the optionees would never have received any additional compensation'."

Ex parte Mary A. Ruthven,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner.

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ON CONSIDERATION of the motion for leave to file a petition for writs of habeas corpus and mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

____ vs.

Hon. Luther M. Swygert, Judge.

ON CONSIDERATION of the petition for writ of mandate in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

May Department Stores Company, Doing Business as Famous-Barr Company, — Order allowing certiorari.

Petitioner,

971 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

General Electric Company, — Order allowing certiorari.

Petitioner,

1066 vs.

Jewell Incandescent Lamp Company, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

R. Bernard Dickey,

Petitioner,

966 vs.

Raisin Proration Zone No. 1, Raisin Proration Association, Arthur C. Blayney, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Theodore Roosevelt Potts,

Petitioner,

967 vs.

Robert W. Kabb, United States Marshal for the Middle District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Woodrow Wilson Tilghman,

Petitioner,

983 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Western Electric Company, Incorporated,
Petitioner,
984 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Point Breeze Employees Association, Inc.,
Petitioner,
988 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marrs McLean,
Petitioner,
985 vs.
State of Texas.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Winthrop Taylor,

Petitioner,

1003 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Honorable Peirson M. Hall, Judge of the United States District Court for the Southern District of California,

Petitioner,

1012 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jefferson County, Tennessee,

Petitioner,

1020 vs.

Tennessee Valley Authority.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest Morrill, Petitioner,

1024 vs.

Waern Building Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Mallinckrodt, Jr., Petitioner,

1027 vs.

Joseph D. Nunan, Jr., Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian Kennedy, Jr., Petitioner,

1041 vs.

Emerald Coal and Coke Company.

On petition for writ of certiorari to the Supreme Court of the State of Delaware.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Delaware, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oil Workers International Union, Local 463, et al.,

Petitioners,

1065 vs.

Texoma Natural Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Lakes Transit Corporation,

Petitioner,

1079 vs.

Alfred G. Marceau.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnie Reese Richardson Wragg,
Petitioner,
969 vs.
Federal Land Bank of New Orleans, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this application.

E. I. duPont deNemours & Company,
Petitioner,
1069 vs.
Minnie L. Wright, Administratrix of the Estate of William T. Wright, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Charles O'Keith,
Petitioner,
1005 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles O'Keith,

Petitioner,

1005 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joel Thomas Pierce,

Petitioner,

804 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joel Thomas Pierce,

Petitioner,

804 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States of America, ex rel.
Stephen Rogalski,

Petitioner,

846 vs.

J. Vernal Jackson, Warden of Clinton
State Prison at Dannemora, New York,
etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

United States of America, ex rel.
Stephen Rogalski,

Petitioner,

846 vs.

J. Vernal Jackson, Warden of Clinton
State Prison at Dannemora, New York,
etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elliott W. Michener,

Petitioner,

867 vs.

James A. Johnston, Warden, United
States Penitentiary, Alcatraz,
California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Elliott W. Michener,

Petitioner,

867 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Carter,

Petitioner,

888 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James A. Carter,

Petitioner,

888 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Orville Golden,

Petitioner,

919 vs.

State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Orville Golden,

Petitioner,

919 vs.

State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence L. Batson,

Petitioner,

920 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clarence L. Batson,

Petitioner,

920 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sylvester Andrews,

Petitioner,

958 vs.

W. L. Robertson, Jailer, J. R. Hicks, Jr., Sheriff.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sylvester Andrews,

Petitioner,

958 vs.

W. L. Robertson, Jailer, J. R. Hicks, Jr., Sheriff.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Bissell,

Petitioner,

963 vs.

Milton M. Amrine, Warden.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Bissell,

Petitioner,

963 vs.

Milton M. Amrine, Warden.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Edmond Hammersmith,

Petitioner,

981 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Edmond Hammersmith,

Petitioner,

981 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Morton,

Petitioner,

989 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John W. Morton,

Petitioner,

989 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Lesser,

Petitioner,

990 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Lesser,

Petitioner,

990 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Locke,

Petitioner,

991 vs.

State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Locke,

Petitioner,

991 vs.

State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Braner,

Petitioner,

992 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Braner,

Petitioner,

992 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bennie Brooks,

Petitioner,

993 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bennie Brooks,

Petitioner,

993 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

994 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

994 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Williams (an alias), Paul Otis Carter (true name),

Petitioner,

997 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Williams (an alias), Paul Otis Carter (true name),

Petitioner,

997 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

868 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

868 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to amend and supplement the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

868 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry John Stumpf, Jr.,

Petitioner,

909 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry John Stumpf, Jr., Petitioner,

909 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Jose Cases Velazquez,

Petitioner,

713, October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Northwestern Bands of
Shoshone Indians,

Petitioners,

63 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Bartell,

Petitioner,

836 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States Gypsum Company,

Petitioner,

857 vs.

National War Labor Board et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ford Motor Company,

Appellant,

872 vs.

Commonwealth of Pennsylvania.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Quaker Oats Company,

Appellant,

873 vs.

Commonwealth of Pennsylvania.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pacific Gas and Electric Company,

Petitioner,

55 vs.

Securities and Exchange Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

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Fred M. Vinson, Economic Stabilization Director, by Chester Bowles, Price Administrator,

Appellant,

561 vs.

The United States of America, Interstate Commerce Commission, et al; and

Fred M. Vinson, Economic Stabilization Director, by Chester Bowles, Price Administrator,

Appellant,

592 vs.

The United States of America, Interstate Commerce Commission, et al.

ON CONSIDERATION of the motion to substitute William H. Davis, present Economic Stabilization Director, as the party appellant in these cases, in place of Fred M. Vinson, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cases be so continued and maintained.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, April 23, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Tobias G. Klinger, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. C. Hillyer, It is ordered that J. C. B. Ehringhaus, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Oliver Graves, It is ordered that Sherwood Dixon, Esquire, of Dixon, State of Illinois; William Edwin Carpenter, Esquire, of Rockford, State of Illinois; and Thomas A. Keegan, Esquire, of Rockford, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. B. Holifield, It is ordered that Frank L. McCarthy, Esquire, of Lexington, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Schwabe, It is ordered that Jean Paul Jones, Esquire, of Bartlesville, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Catherine E. Falvey, It is ordered that Thomas J. McKenna, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon Jourolmon, Jr., It is ordered that James Forman Smith, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Taylor, It is ordered that William Nelson Shackleford, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that James D. Bruton, Jr., Esquire, of Plant City, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Leahy, It is ordered that Wilberforce Sully, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Russell E. Parsons, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Franklin K. Lane, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Samuel Wesley Reynolds, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Ehrlich, It is ordered that Frank A. Silver, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Knuff, It is ordered that Harold Kaminsky, Esquire, of Johnstown, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. E. Danly, It is ordered that William K. Meadow, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander H. Elder, It is ordered that Earle J. Harrington, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Granville Burke, It is ordered that Robert S. Burridge, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that James Edward Hughes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Russell V. Johnson, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Dumbauld, It is ordered that David C. Mathews, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Buchanan, It is ordered that William H. Webb, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Clark, It is ordered that Albert Byron Arbaugh, Esquire, of Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Larremore, It is ordered that William Tyrone Gillespie, Esquire, of Salem, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Anthony Cramer,

Petitioner,

13 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which the Chief Justice, Mr. Justice Black, and Mr. Justice Reed concur.

Victor J. Horb,

Petitioner,

24 vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers for Wabash Railway Company.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Jackson.

Benjamin F. Belcher,

Petitioner,

25 vs.

Louisville & Nashville Railroad Company.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Jackson.

Precision Instrument Manufacturing Company, Kenneth H. Larson, and Snap-On Tools Corporation,

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Roberts and Mr. Justice Jackson.

Republic Aviation Corporation, Petitioner,
226 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Roberts.

National Labor Relations Board, Petitioner,
452 vs.
Le Tourneau Company of Georgia.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Roberts.

Richard Rice, Petitioner, vs. Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska. — On writ of certiorari to the Supreme Court of the State of Nebraska.

391

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson join.

The United States, Petitioner, vs. Joseph M. Beuttas, John W. Beuttas, and Paul H. Beuttas, Trading as B-W Construction Co., Not Inc. — On writ of certiorari to the Court of Claims.

*431

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed insofar as it includes a sum to cover the increase of wage costs in question; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Douglas concurs in the result.

*See order and amended judgment entered May 21, 1945.

The United States of America and Interstate Commerce Commission,

Appellants,

448 vs.

Hancock Truck Lines, Inc.; and

Regular Common Carriers Conference of the American Trucking Associations, Inc.,

Appellant,

449 vs.

Hancock Truck Lines, Inc.

Appeals from the District Court of the United States for the Southern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed, appellant in No. 449 to recover costs on its appeal.

It is further ordered that this cause be, and the same is hereby, remanded to the District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Black concurs in the result.

Copperweld Steel Company,

Appellant,

684 vs.

Industrial Commission of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction. Treating the appeal papers herein as an application for writ of certiorari, the application for certiorari is denied.

Per Mr. Justice Roberts.

Corn Products Refining Company, and Corn Products Sales Company,
Petitioners,
680 vs.
Federal Trade Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Mr. Justice Jackson concurs in the result.

Federal Trade Commission,
Petitioner,
559 vs.
A. E. Staley Manufacturing Company and Staley Sales Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the order of the Commission is sustained; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to enforce the Commission's order.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Mr. Justice Jackson concurs in the result.

Dewey White,

Petitioner,

212 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in the result.

Louis Lutz,

Petitioner,

259 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in the result.

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The Chief Justice announced the following order of the Court:

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Dewey Henry Womble, Petitioner, vs. The United States of America. — Order allowing certiorari.

980

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Dewey Henry Womble, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

980

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed for want of substantial evidence to sustain the conviction; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

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Ex parte Noel Gaines,

Petitioner.

_____.

ON CONSIDERATION of the application submitted herein by Noel Gaines,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert L. McClendon,

Petitioner.

_____.

ON CONSIDERATION of the application submitted herein by Robert L. McClendon,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert H. Smith,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Nathan McBride,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Chesteen McConnell,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and for other relief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alfred Minntole,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission et al.; and

Canadian River Gas Company,

Petitioner,

380 vs.

Federal Power Commission et al.

ON CONSIDERATION of the motion of the City and County of Denver to dismiss the writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission et al.; and

Canadian River Gas Company,

Petitioner,

380 vs.

Federal Power Commission et al.

ON CONSIDERATION of the motions of the City and County of Denver and Public Service Company of Colorado for an order as to distribution of impounded funds in these cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied without prejudice to applications to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, et al., — Order allowing certiorari.

Petitioners,

1000 vs.

The Texas Mexican Railway Company.

The petition herein for a writ of certiorari to the Court of Civil Appeals of the State of Texas, Fourth Supreme Judicial District is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ethel Keeton, as Administratrix of the Estate of W. S. Keeton, Deceased, — Order allowing certiorari.

Petitioner,

1006 vs.

Guy A. Thompson, Trustee in Bankruptcy for the Missouri Pacific Railroad Company.

The petition herein for a writ of certiorari to the Supreme Court of the State of Arkansas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

De Beers Consolidated Mines, Ltd.,
Diamond Corporation, Ltd. and
Diamond Trading Company, Ltd.,

Petitioners,

1189 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

De Beers Consolidated Mines, Ltd.,
Diamond Corporation, Ltd. and Diamond
Trading Company, Ltd.,

Order allowing certiorari.

Petitioners,

1189 vs.

The United States of America.

The petition herein for a writ of certiorari to the District Court of the United States for the Southern District of New York is granted. The case is transferred to the summary docket and assigned for argument immediately following Nos. 1016 and 1017. Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by a writ of certiorari under section 262 of the Judicial Code.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Societe Internationale Forestiere
et Miniere du Congo and Companhia
de Diamantes de Angola,

Petitioners,

1190 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Societe Internationale Forestiere
et Miniere du Congo and Companhia
de Diamantes de Angola,

Petitioners,

1190 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the District Court of the United States for the Southern District of New York is granted. The case is transferred to the summary docket and assigned for argument immediately following Nos. 1016 and 1017. Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by a writ of certiorari under section 262 of the Judicial Code.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Universal Oil Products Company, Order allowing certiorari.

Petitioner,

1191 vs.

Root Refining Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Universal Oil Products Company,

Petitioner,

1080 vs.

Root Refining Company.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Universal Oil Products Company, Order allowing certiorari.

Petitioner,

1080 vs.

Root Refining Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Universal Oil Products Company,

Petitioner,

1080 and 1191 vs.

Root Refining Company.

ON CONSIDERATION of the motion of J. Bernhard Thiess and Thorley von Holst for leave to file a brief in opposition pro se and on behalf of Skelly Oil Company et al in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Henry Hawk,

Petitioner,

825 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Hawk, Petitioner,

825 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Nebraska is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

H. H. Speten, Petitioner,

999 vs.

Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thad Benson Carter, Petitioner,

1011 vs.

George A. Kubler.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dr. William Howard Hay Foundation, Petitioner,

1013 vs.

Safety Harbor Sanatorium.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walt Disney Productions, a Corporation, Petitioner,

1021 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

P. S. Lack, Petitioner,

1031 vs.

Western Loan & Building Company and Pearl Assurance Company, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton M. Kramer, Wallace Floyd Nelson, John Elliott Magraw, et al.,

Petitioners,

1034 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rudy Barthel,

Petitioner,

1035 vs.

Margarete Stamm, as Executrix of the Last Will and Testament of Christian Stamm, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Ohio, ex rel. Hugh M. Foster, a Taxpayer,

Petitioner,

1036 vs.

William S. Evatt, Tax Commissioner of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George S. Hawke, Petitioner.

1040

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Boland Brooks, Petitioner,

1044 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maurice Klein, Trustee in Bankruptcy, Petitioner,

1048 vs.

Mary K. Moser.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Morris Plan Industrial Bank of New York,

Petitioner,

1051 vs.

Henry H. Raphiel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Santa Inez Company,

Petitioner,

1052 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. F. Howard,

Petitioner,

1055 vs.

Chicago, Burlington & Quincy Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

King County, a Municipal Corporation, et al.,

Petitioners,

977 vs.

Washington Chocolate Company.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie J. Viator,

Petitioner,

1014 vs.

A. H. Stone, Chairman, State Tax Commission, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jesse Green, in Behalf of Himself and Bessie Henderson, Aldo Thompson, et al.,

Petitioners,

1028 vs.

Anchor Mills Company.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rockton & Rion Railroad (Railway), a Corporation,

Petitioner,

1032 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Companhia Antarctica Paulista,

Petitioner,

1045 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kyle Davenport,

Petitioner,

1050 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Okeechobee County, Florida,
Petitioner,
1053 vs.
John Nuveen and John Nuveen, Jr., as Co-Partners, Doing Business under the Name of John Nuveen & Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State National Bank of Marshall, in Liquidation,
Petitioner,
1054 vs.
W. D. Tittle.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Potomac Chemical Company, Inc.,
Petitioner,
1058 vs.
William O. Chapman.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert M. Wendlinger,

Petitioner,

1064 vs.

Hardware Mutual Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Morni Signal Manufacturing Corporation,

Petitioner,

1067 vs.

David Katz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edna Denton Wake Wyman and Edward B. Bartlett, as Executors under the Last Will and Testament of Edward B. Wyman, Deceased,

Petitioners,

1068 vs.

Pan American Airways, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

P. C. Badenhausen, William S. Spatcher and Howard H. Hubbard, Etc., et al., Petitioners, vs. Edwin G. Baetjer, George C. Cutler, Austin McLanahan, et al., etc.

1091 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Zeno W. Putnam and Bessie L. Putnam, Petitioners, vs. Federal Land Bank of Baltimore.

1039

ON CONSIDERATION of the motion for leave to file a less number of copies of the record than stated in the rule,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Zeno W. Putnam and Bessie L. Putnam, Petitioners, vs. Federal Land Bank of Baltimore.

1039

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

922 vs.

A. Broughton, et al.

ON CONSIDERATION of the motion of respondents for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

922 vs.

A. Broughton, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

923 vs.

Emanuel Carthan, et al.

ON CONSIDERATION of the motion of respondents for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

923 vs.

Emanuel Carthan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. Broughton, et al.,

Petitioners,

986 vs.

Atlantic Company.

ON CONSIDERATION of the motion of petitioners for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

A. Broughton, et al.,

Petitioners,

986 vs.

Atlantic Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emanuel Carthan, et al.,

Petitioners,

987 vs.

Atlantic Company.

ON CONSIDERATION of the motion of petitioners for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Emanuel Carthan, et al.,

Petitioners,

987 vs.

Atlantic Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Burleigh Sires,

Petitioner,

1007 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Burleigh Sires,

Petitioner,

1007 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Robertson,

Petitioner,

1009 vs.

O. B. Chronister, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dora Robertson,

Petitioner,

1009 vs.

O. B. Chronister, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leon C. Marsh,

Petitioner,

1023 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leon C. Marsh,

Petitioner,

1023 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Clay Barland,

Petitioner,

1030 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Clay Barland,

Petitioner,

1030 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roman Piskorz,

Petitioner,

1119 vs.

The Illinois State Supreme Court, Springfield, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roman Piskorz,

Petitioner,

1119 vs.

The Illinois State Supreme Court, Springfield, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Resco,

Petitioner,

1120 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Peter Resco,

Petitioner,

1120 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stephen Byra,

Petitioner,

1022 vs.

The State of New Jersey.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stephen Byrn, Petitioner, vs. The State of New Jersey.

1022

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

William B. Daulley, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1046

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William B. Daulley, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1046

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Roy Adkison,

Petitioner,

1060 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy Adkison,

Petitioner,

1060 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte Stanley Peplowski,

Petitioner.

_____.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Georgia,

Complainant,

11, Original vs.

Pennsylvania Railroad Company et al.

A petition for rehearing having been filed in this case by the Atlantic Coast Line R. R. Co. et al.,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Georgia,

Complainant,

11, Original vs.

Pennsylvania Railroad Company et al.

A petition for rehearing having been filed in this case by the Pennsylvania Railroad Company et al.,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Georgia,

Complainant,

11, Original vs.

Pennsylvania Railroad Company et al.

A petition for rehearing having been filed in this case by Chesapeake & Ohio Ry. Co., et al.,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith G. Goldwasser,

Petitioner,

463 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Market Street Railway Company,

Appellant,

510 vs.

Railroad Commission of the State of California et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Market Street Railway Company,

Appellant,

511 vs.

Railroad Commission of the State of California et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abe Chapman,

Petitioner,

797 vs.

Walter A. Hunter, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pauline E. Barry, Administratrix, etc.,

Petitioner,

929 vs.

Reading Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Igal Roodenko,

Petitioner,

947 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William C. May,

Petitioner,

968 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Petersen,

Petitioner,

994 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jefferson County, Tennessee,

Petitioner,

1020 vs.

Tennessee Valley Authority.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Edmund Barlow et al.,

Appellants,

1037 vs.

The State of Utah.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Bryan Schwab,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Bryan Schwab,

Petitioner.

_____.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

351 vs.

The United States of America et al.;

Carlota Benitez Sampayo,

Petitioner,

352 vs.

The Bank of Nova Scotia; and

Carlota Benitez Sampayo,

Petitioner,

353 vs.

The Bank of Nova Scotia et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

R. J. Reynolds Tobacco Company et al.,

Petitioners,

840 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this application.

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State of North Carolina et al.,

Appellants,

560 vs.

The United States of America et al.; and

William H. Davis, Economic Stabilization Director, etc.,

Appellant,

561 vs.

The United States of America et al.

Argument commenced by Mr. F. C. Hillyer for the appellants in No. 560; continued by Mr. J. C. B. Ehringhaus for the appellants in No. 560; by Mr. J. Stanley Payne for the appellee, Interstate Commerce Commission; and by Mr. Charles Clark for the appellees, Aberdeen and Rockfish R. R. Co. et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Brnalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Frank Russell Crom, Esquire, of Tampa, State of Florida, and Emory H. Price, Esquire, of Jacksonville, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey D. Jacob, It is ordered that Frank E. Scully, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph T. Sherier, It is ordered that Joseph A. Sherier, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Fred M. Joseph, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joss M. Rosenberg, It is ordered that Aaron S. Resnik, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Stone, It is ordered that Frank C. Newman, Esquire, of South Pasadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland W. Pixel, It is ordered that Oliver Carter, Esquire, of Elizabethtown, State of North Carolina; Frederick V. Marsi, Esquire, of New York, State of New York; and Harold Walter Steiner, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Edward Casey, It is ordered that Morton C. Jaquith, Esquire, of Clinton, Commonwealth of Massachusetts, and Patrick Malloy, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Lino L. Cuison, Esquire, of Johnson City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. O'Hara, It is ordered that Emmett P. Mulholland, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard J. Conner, It is ordered that Bernard S. Peck, Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen L. R. McNichols, It is ordered that Robert Thomas Ainslie Molloy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that Roy F. Andes, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Henry Kutz, It is ordered that George I. Devor, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Stephens, It is ordered that Thomas R. Clydesdale, Esquire, of Ottawa, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manford Edward Nelson, It is ordered that Foster C. Phelps, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Cole Bates, It is ordered that John V. Sloys, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Wall, It is ordered that Edward N. Lippincott, Esquire, of Newark, State of New Jersey; John J. Monigan, Jr., Esquire, of Newark, State of New Jersey; Beverly C. Moore, Esquire, of Greensboro, State of North Carolina; and Thornton H. Brooks, Esquire, of Greensboro, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald A. Gardiner, It is ordered that Benjamin H. Sherman, Esquire, of Chicago, State of Illinois, and Charles H. Redman, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Bosarge, It is ordered that John C. Morris, Jr., Esquire, of Atlanta, State of Georgia, and Albert M. Morgan, Esquire, of Morgantown, State of West Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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State of North Carolina et al.,

Appellants,

560 vs.

The United States of America et al.; and

William H. Davis, Economic Stabilization Director, etc.,

Appellant,

561 vs.

The United States of America et al.

Argument concluded by Mr. Charles Clark for appellees, Aberdeen and Rockfish R. R. Co. et al., and case submitted by Mr. Richard H.

Field, Mr. David F. Cavers, and Mr. Malcolm D. Miller for appellant in No. 561.

The State of Alabama et al.,

Appellants,

574 vs.

The United States of America et al.; and

William H. Davis, Economic Stabilization Director, etc.,

Appellant,

592 vs.

The United States of America et al.

Argument commenced by Mr. J. E. Marks for appellants, Commonwealth of Kentucky et al.; continued by Mr. Forman Smith for appellants, State of Alabama et al.; by Mr. Leon Jourolmon, Jr., for appellants, State of Tennessee et al.; by Mr. David F. Cavers for William H. Davis, Economic Stabilization Director, etc., appellee in No. 574 and appellant in No. 592; by Mr. Allen Crenshaw for appellees, United States and Interstate Commerce Commission; and concluded by Mr. Charles Clark for the appellees, Alabama Great Southern R. R. Co. et al.

Commissioner of Internal Revenue,

Petitioner,

589 vs.

William D. Disston.

Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Harold Evans for the respondent.

The Lincoln National Life Insurance Company,

Appellant,

833 vs.

Jess G. Read, Insurance Commissioner of the State of Oklahoma, et al.

Argument commenced by Mr. Russell V. Johnson for the appellant.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harlan J. Bushfield, It is ordered that Olene M. Wangness, of Washington, District of Columbia, and Jessie P. Grandy, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Misses)

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Edward Howell, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Melville La Marche, Esquire, of Washington, District of Columbia, and O. Gordon Delk, Jr., Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Randolph Neal, It is ordered that William M. Wheelock, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick O. Roth, It is ordered that William Britton Moore, Esquire, of Cheverly, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. High, It is ordered that Arthur T. Hoadley, Esquire, of Spencer, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Cotter, It is ordered that Charles M. Huey, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Riely, It is ordered that Stark Ritchie, Esquire, of Cleveland, State of Ohio, and Charles H. Rudolph, Esquire, of Atlantic, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that William M. Burkhalter, Esquire, of McKenzie, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Henry Norment Custis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph S. Rice, It is ordered that Douglas A. Dantz, Esquire, of Aberdeen, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Strauch, It is ordered that J. Matthews Neale, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Complainant,

10, Original vs.

The State of Wyoming and The Ohio Oil Company.

ORDER

IT IS ORDERED that Nat W. Brown, Esquire, of Yakima, Washington, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to find the facts specially and state separately his conclusions of law thereon (cf. Rule 52 of the Rules of Civil Procedure for the District Courts of the United States, first sentence), and to submit the same to this Court with all convenient speed, together with a draft of the decree recommended by him. The findings, conclusions, and recommended decree of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Brotherhood of Locomotive Firemen & Enginemen et al.,

Petitioners,

1138 vs.

Interstate Commerce Commission.

ON CONSIDERATION of the motion of counsel for respondents to extend the time within which to file brief opposing the petition for certiorari in this case,

It is ordered by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including May 19, next.

Per Mr. Chief Justice Stone.

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The Lincoln National Life Insurance Company,

Appellant,

833 vs.

Jess G. Read, Insurance Commissioner of the State of Oklahoma, et al.

Argument continued by Mr. Russell V. Johnson for the appellant and concluded by Mr. Fred Hansen for the appellees.

Alma Motor Company,

Petitioner,

806 vs.

The Timken-Detroit Axle Company and The United States of America.

Three hours allowed for oral argument. Argument commenced by Mr. I. Joseph Farley for the petitioner and continued by Mr. Assistant Attorney General Shea for the respondent, United States.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Joseph John Novino-Young, Esquire, of Albany, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Allen Quinlan, It is ordered that Gearing Ward East, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Noble J. Johnson, It is ordered that Clay A. Phillips, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude E. Wakefield, It is ordered that Edwin J. Friedman, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger S. Foster, It is ordered that David [illegible], Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sigmund Timberg, It is ordered that Herbert A. Berman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Burton C. Meighan, Jr., It is ordered that Louis A. Marchisio, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel I. Abella, It is ordered that Vicente [illegible], Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Duggan, It is ordered that David P. Doyle, Esquire, of Warwick, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Douglas L. C. Jones, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sotero H. Laurel, It is ordered that A. P. Madrigal, Esquire, of Manila, Philippine Islands, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that David V. Manker, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Alma Motor Company,

Petitioner,

806 vs.

The Timken-Detroit Axle Company and The United States of America.

Argument continued by Mr. Assistant Attorney General Shea for the respondent, the United States; by Mr. William A. Strauch for respondent, Timken-Detroit Axle Company; and concluded by Mr. I. Joseph Farley for the petitioner.

Beatrice L. Goldstone and Eugene L. Bondy, Executors, etc.,

Petitioners,

699 vs.

The United States of America.

Argued by Mr. Eugene L. Bondy for the petitioners and by Mr. Loring W. Post for the respondent.

American Power & Light Company,

Petitioner,

470 vs.

Securities and Exchange Commission.

Argued by Mr. H. A. Henderson for the petitioner and by Mr. Roger S. Foster for the respondent.

Securities and Exchange Commission,

Petitioner,

815 vs.

Samuel Okin.

Argued by Mr. Roger S. Foster for the petitioner and by Mr. Samuel Okin for the respondent.

Chester Bowles, Administrator, etc.,

Petitioner,

914 vs.

Seminole Rock and Sand Company.

ON CONSIDERATION of the motion by Mr. Paul M. Freund that Mr. Henry M. Hart, Jr., be granted leave to appear and present oral argument for the petitioner pro hac vice in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Chester Bowles, Administrator, etc.,

Petitioner,

914 vs.

Seminole Rock and Sand Company.

Argument commenced by Mr. Henry M. Hart, Jr., for the petitioner pro hac vice, by special leave of Court.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, APRIL 27, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Martin G. White, It is ordered that Rozer A. Fortuna, Esquire, of Ilion, State of New York; James C. Maher, Esquire, of Cleveland, State of Ohio; and Russell L. Miller, Esquire, of Reading, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archer L. Lerch, It is ordered that Warren David Chandler, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Clay Espey, It is ordered that Paul E. Brown, Esquire, of Watertown, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Winskey, It is ordered that Thomas F. Kilroy, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. McCann, It is ordered that Valera Grapp, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Richard K. Yeamans, It is ordered that John J. Peacock, Esquire, of Weiser, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon S. Parker, It is ordered that Arthur G. Stewart, Esquire, of Pittsburgh, Commonwealth of Pennsylvania; John M. Wright, Esquire, of New York, State of New York; and Francis E. V. Cioffa, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Floyd F. Toomey, It is ordered that Thomas Bress, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Clifton Ames, It is ordered that Walter M. Evans, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Collins, It is ordered that Luther M. Hussey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Simon Metrik,

Petitioner,

995 vs.

Fort Tyron Gardens, Inc.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, extended to and including May 24, next.

Per Mr. Chief Justice Stone.

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Chester Bowles, Administrator, etc.,

Petitioner,

914 vs.

Seminole Rock & Sand Company.

Argument continued by Mr. Henry M. Hart, Jr., for the petitioner, pro hac vice, by special leave of Court; by Mr. Robert H. Anderson for the respondent; and concluded by Mr. Henry M. Hart, Jr., for the petitioner, pro hac vice, by special leave of Court.

John F. X. Finn, as Trustee of Childs Company,

Petitioner,

953 vs.

Burton C. Meighan, Jr., as substituted trustee, etc.

Argued by Mr. Joseph Lorenz for the petitioner and by Mr. Burton C. Meighan, Jr., for the respondent.

Trust u/w of Mary Lily (Flagler)
Bingham et al.,

Petitioners,

932 vs.

Commissioner of Internal Revenue.

Argued by Mr. Arthur A. Ballantine for the petitioners and by Mr. Ralph F. Fuchs for the respondent.

In re Clyde Wilson Summers,

Petitioner.

205

Argument commenced by Mr. Julien Cornell for the petitioner and continued by Mr. William C. Wines for the respondents (Justices of the Supreme Court of Illinois).

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul D. P. Spearman, It is ordered that William Harold Cox, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. A. Macpherson, Jr., It is ordered that James Snedeker, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that Benjamin T. Woodall, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Woltzoff, It is ordered that Arch K. Schoch, Jr., Esquire, of High Point, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur F. Drury, It is ordered that Roberts Tunis, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Donald M. Corson, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Schoen, It is ordered that F. Mark Carlinghouse, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Leland L. Yost, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Rigmor O. Carlsen, of Santa Barbara, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Kenneth Carlton Zwerin, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard J. Connor, It is ordered that Henry S. Blum, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Dever, It is ordered that Joseph A. Cohen, Esquire, of Fall River, Commonwealth of Massachusetts, and Paul V. McDonough, Esquire, of Fall River, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Hoover Company,
Petitioner,
vs.
Conway P. Coe, Commissioner of Patents.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

Donald F. Wood,

Appellant,

1076 vs.

The State of Mississippi.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Donald F. Wood,

Appellant,

Appeal from the Supreme Court of the State of Mississippi.

1076 vs.

The State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Donald F. Wood,

Appellant,

Appeal from the Supreme Court of the State of Mississippi.

1076 vs.

The State of Mississippi.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission, Petitioner, vs. Long Island Lighting Company. 1059

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated, it appearing that the cause has become moot; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York with directions to dismiss the complaint.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the matter of J. Whitla Stinson.

_____.

J. Whitla Stinson, of Washington, D. C., having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

John W. Morton,

Petitioner,

_____ vs.

The United States.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard B. Bailey,

Appellant,

1081 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits, and the case is transferred to the summary docket. The Court desires to hear oral argument only upon the questions whether this Court has jurisdiction of the case, and whether appellant was denied interest upon his condemnation award in violation of the Fourteenth Amendment.

Per Mr. Chief Justice Stone.

Automatic Paper Machinery Company, Inc.,

Petitioner,

1097 vs.

Marcalus Manufacturing Company, Inc. and Nicholas Marcalus.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The John Kelley Company, Order allowing certiorari.

Petitioner,

948 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Talbot Mills, Order allowing certiorari.

Petitioner,

1070 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 948, The John Kelley Co. vs. Commissioner of Internal Revenue.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Better Business Bureau of Washington, D. C., Inc.,

Petitioner,

1089 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Dwight D. Kinne, Charles H. Kinne and Lelia M. Kinne,

Petitioners,

1049 vs.

Starr King School for the Ministry.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederick C. Mergner,

Petitioner,

1057 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. W. Hinchliffe, Petitioner,
1061 vs.
The Texas Company, Ohio Oil Company, Emerada Oil Corporation, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman C. Hancock, Jr., Petitioner,
1062 vs.
Oliver H. Stout, Colonel, Army of the United States, as Commanding Officer of the Greenville Army Base, Greenville, South Carolina.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alex Hinko, Petitioner,
1071 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stanley John Plakowicz, Petitioner, vs. The United States of America. 1072

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer Franklin Parsons, Petitioner, vs. The United States of America. 1073

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otto Anfin Jensen, Petitioner, vs. The United States of America. 1074

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Metzinger,
Petitioner,
1075 vs.
Louise Metzinger.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Murray Cohen,
Petitioner,
1083 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Ladies' Garment Workers' Union, et al.,
Petitioners,
1087 vs.
Donnelly Garment Company, Donnelly Garment Sales Company, Donnelly Garment Workers' Union, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emanuel Deutsch, Individually and Doing Business Under the Firm Name and Style of Unity Sanitary Supply Co.,

Petitioner,

1088 vs.

Herman Hoge, Arthur Hoge, Gus Hoge, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Brotherhood of Locomotive Firemen and Enginemen, et al.,

Petitioners,

1122 vs.

Chicago, North Shore & Milwaukee Railroad Company (John B. Gallagher and Edward J. Quinn, Trustees).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Velasco,

Petitioner,

548 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Velasco,

Petitioner,

548 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dewey Gooch,

Petitioner,

615 vs.

W. G. Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dewey Gooch,

Petitioner,

615 vs.

W. G. Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Walker,

Petitioner,

617 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Walker,

Petitioner,

617 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Weston Stewart,

Petitioner,

1118 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Stateville Branch.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Weston Stewart,

Petitioner,

1118 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Stateville Branch.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Levanowicz,

Petitioner,

1133 vs.

Joseph E. Ragen, Warden of the State Penitentiary, Stateville Branch, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Levanowicz,

Petitioner,

1133 vs.

Joseph E. Ragen, Warden of the State Penitentiary, Stateville Branch, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Casimer Jablonski,

Petitioner,

1134 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Casimer Jablonski,

Petitioner,

1134 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Napue,

Petitioner,

1135 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Mapue,

Petitioner,

1135 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert G. Banks,

Petitioner,

1136 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert G. Banks,

Petitioner,

1136 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Harp,

Petitioner,

1137 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Harp,

Petitioner,

1137 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert C. Woods,

Petitioner,

1142 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert C. Woods,

Petitioner,

1142 vs.

Joseph E. Hagen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Annuzio,

Petitioner,

1153 vs.

Walter Niersthoimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frank Annuzio,

Petitioner,

1153 vs.

Walter Niersthoimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Singer,

Petitioner,

1156 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Singer,

Petitioner,

1156 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

1164 vs.

Walter Nierstheimer, Warden of the Illinois State Penitentiary, at Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

1164 vs.

Walter Wierstheimer, Warden of the Illinois State Penitentiary, at Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James McGregor,

Petitioner,

1173 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James McGregor,

Petitioner,

1173 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles F. De Jordan,

Petitioner,

695 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles F. De Jordan,

Petitioner,

695 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Moses,

Petitioner,

908 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph E. Moses,

Petitioner,

908 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lowell Ator,

Petitioner,

1025 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lowell Ator,

Petitioner,

1025 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George L. Sullivan,

Petitioner,

1042 vs.

State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George L. Sullivan,

Petitioner,

1042 vs.

State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Antonio G. Catovolo,

Petitioner,

1056 vs.

Major General Louis Hibbs, Commanding General of the 63rd Infantry Division, U. S. Army, Camp Van Dorn, Mississippi, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Antonio C. Catovolo,

Petitioner,

1056 vs.

Major General Louis Hibbs, Commanding General of the 63rd Infantry Division, U. S. Army, Camp Van Dorn, Mississippi, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George M. Mayborn,

Petitioner,

1078 vs.

General Heflebower, United States Army.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George M. Mayborn,

Petitioner,

1078 vs.

General Heflebower, United States Army.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl William Hoelscher,

Petitioner,

1086 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Earl William Hoelscher,

Petitioner,

1086 vs.

State of Indiana.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Carter,

Petitioner,

1155 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Carter,

Petitioner,

1155 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max M. Medley,

Petitioner,

1180 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Max M. Medley,

Petitioner,

1180 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Hinkle,

Petitioner,

1098 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joe Hinkle, On petition for writ of certiorari to

Petitioner, the Supreme Court of the State of Indiana.

1098 vs.

State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte William M. Lee,

Petitioner.

_____.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Colorado Interstate Gas Company,

Petitioner,

379 vs.

Federal Power Commission et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Canadian River Gas Company,

Petitioner,

380 vs.

Federal Power Commission et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack A. McCoy,

Petitioner,

809 vs.

M. J. Pescor, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Compagna et al.,

Petitioners,

935 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Kaufman,

Petitioner,

946 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Mallinckrodt, Jr.,

Petitioner,

1027 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Panhandle Eastern Pipe Line Company, Illinois Natural Gas Company and Michigan Gas Transmission Corporation, Petitioners, vs. Federal Power Commission, City of Detroit, County of Wayne, Michigan, et al.	)	On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit
296		

It is ordered that the opinion of the Court in this case be amended by substituting for the two sentences on page 7 which read, "But it does not appear that petitioner requested the Commission to make a segregation of the properties used in the two classes of business. No such request was included in the petition for rehearing.", the following:

> "Petitioner asserts that it also requested the Commission to make a segregation of the properties used in the two classes of business. No such request, however, was included in the petition for rehearing."

Per Mr. Chief Justice Stone.

Panhandle Eastern Pipe Line Company et al., Petitioners, vs. Federal Power Commission et al.

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A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R

IT IS ORDERED that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument of case No. 1190, and that the Court will then take a recess until Monday, May 7, from that day until Monday, May 21, and from that day until Monday, May 28, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Per Mr. Chief Justice Stone.

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J. Philip Murray, C. Dudley De Velbiss and Y. C. Soda,

Petitioners,

1148 vs.

The United States District Court for the Northern District of California, Southern Division and Honorable Louis E. Goodman, District Judge.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case,

THEREFORE, pursuant to said stipulation, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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In re Clyde Wilson Summers,

Petitioner.

205

Argument concluded by Mr. William C. Wines for the respondents (Justices of the Supreme Court of Illinois).

The United States of America and
Interstate Commerce Commission,

Appellants,

663 vs.

Capital Transit Company et al.

Argued by Mr. Paul A. Freund for the appellant, The United States; by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Henry E. Retner for the appellee, State Corporation Commission of the State of Virginia; and by Mr. Robert E. Quirk for the appellees, Alexandria, Barcroft and Washington Transit Co. et al.

L. C. Akins,

Petitioner,

853 vs.

The State of Texas.

Argument commenced by Mr. A. S. Baskett for the petitioner and continued by Mr. Benjamin T. Woodall for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MAY 1, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge. Associate Justices,

Thomas Brnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Nell Agnes Sanders, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Earl Ramage Lewis, It is ordered that Paul Vernon House, Esquire, of Newark, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Clogne Edward Tate, Esquire, of Champaign, State of Illinois, and Julius J. Hirschfeld, Esquire, of Champaign, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Carlisle, It is ordered that Olcott D. Smith, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Myron Miller, It is ordered that Stanley L. Kennedy, Esquire, of Coxsackie, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that George Thomas Washington, Esquire, of Ithaca, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that John M. Dalton, Esquire, of Kennett, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lauson H. Stone, It is ordered that George W. Whittaker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo Mann, It is ordered that Thomas W. Korb, Esquire, of Wauwatosa, State of Wisconsin, and Maxwell H. Herriott, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel Harvey Levinson, It is ordered that William Goldman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry W. Blair, It is ordered that C. Booker Powell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James D. Hayes, It is ordered that Edwin McCarthy, Esquire, of Lafayette, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that Ethel B. Clein, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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L. C. Atkins,

Petitioner,

853 vs.

The State of Texas.

Argument continued by Mr. Benjamin T. Woodall for the respondent and concluded by Mr. W. J. Durham for the petitioner.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

955 vs.

Youngerman-Reynolds Hardwood Company, Inc.

Argued by Mr. Douglas B. Maggs for the petitioner and Mr. Fred S. Ball, Jr., for the respondent.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

956 vs.

Harnischfeger Corporation.

Argued by Mr. Irving J. Levy for the petitioner and by Mr. Leo Mann for the respondent.

United States Alkali Export Association, Inc., et al.,

Petitioners,

1016 vs.

The United States of America; and

California Alkali Export Association, et al.,

Petitioners,

1017 vs.

The United States of America.

Argument commenced by Mr. William Dwight Whitney for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,

Owen J. Roberts,

Hugo L. Black,

Stanley Reed,

Felix Frankfurter,

William O. Douglas,

Frank Murphy,

Robert H. Jackson,

Wiley Rutledge,

Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Raymond C. Gericke, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick V. Marsi, It is ordered that Charles H. Nichols, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney Isaacs, It is ordered that Glen P. Warner, Esquire, of Washington, District of Columbia, and James W. Macklo, Jr., Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Stanley, It is ordered that John S. Stanley, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal E. Jackson, It is ordered that Charles Marshall Morgan, Esquire, of Columbus, State of Ohio, and Timothy S. Hogan, Esquire, of Cincinnati, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that W. Dean Mathis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Glenn Thomas, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United States Alkali Export Association, Inc., et al.,

Petitioners,

1016 vs.

The United States of America; and

California Alkali Export Association et al.,

Petitioners,

1017 vs.

The United States of America.

Argument continued by Mr. William Dwight Whitney for the petitioners; by Mr. Assistant Attorney General Berge for the respondent; and concluded by Mr. William Dwight Whitney for the petitioners.

De Beers Consolidated Mines, Ltd., et al.,

Petitioners,

1189 vs.

The United States of America; and

Societe Internationale Forestiere et Miniere du Congo and Companhia de Diamantes de Angola,

Petitioners,

1190 vs.

The United States of America.

Argued by Mr. William Dwight Whitney for the petitioners in No. 1189; by Mr. John M. Harlan for the petitioners in No. 1190; and by Mr. Herbert A. Berman for the respondent.

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Proclamation being made the Court is adjourned until Monday, May 7 next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that George Edward Allen, Esquire, of Fort Myers, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Johnston, It is ordered that Charles S. M. Lockman, Esquire, of Baltimore, State of Maryland; Calvert Thomas, Esquire, of Baltimore, State of Maryland; and Thomas A. Steele, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Samuel Branch Walker, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond J. Mawhinney, It is ordered that Frederick E. Lange, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Salant, It is ordered that H. Burton Powers, Esquire, of Boston, Commonwealth of Massachusetts, and Irving L. Goldberg, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred A. Cherry, It is ordered that David Matthew Kennedy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren R. Austin, It is ordered that Henry Alexander Milne, Esquire, of Barre City, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav H. Margraf, It is ordered that Kenneth W. Gemmill, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that Richard L. Firestone, Esquire, of Lisbon, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis George Meader, It is ordered that Leonard H. Muller, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester Asher, It is ordered that L. N. D. Wells, Jr., Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland W. Pixel, It is ordered that Wayland B. Cedarquist, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas William O'Hara, It is ordered that J. H. Harsraves, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan Johnstone, Jr., It is ordered that James B. C. Howe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jewell Ridge Coal Corporation,
Petitioner,
vs.
Local No. 6167, United Mine Workers of America, an Unincorporated Association, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

721

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Virginia.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

M. Claude Screws, Frank Edward Jones and Jim Bob Kelly,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Opinion by Mr. Justice Rutledge concurring in the result.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson announced by Mr. Justice Frankfurter.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Line Material Company and William O. Schultz,

Petitioners,

665 vs.

Conway P. Coe, Commissioner of Patents.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Line Material Company and William O. Schultz,

Petitioners,

665 vs.

Conway P. Coe, Commissioner of Patents.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed on the authority of Hoover Co. v. Coe, decided April 30, 1945; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Ex parte William H. Alexander,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Earl Watson,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Barton Butz,

Petitioner,

_____ vs.

E. M. Stubblefield et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Newman,

Petitioner,

vs.

E. M. Stubblefield.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America and Federal Communications Commission,

Appellants,

1125 vs.

New York Telephone Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Joachim O. Fernandez, United States Collector of Internal Revenue,

Petitioner,

1158 vs.

Samuel C. Wiener et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1159 vs.

Henry Rompel, Jr., Administrator, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Glass City Bank of Jeannette, Pennsylvania,

Petitioner,

1082 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

For Mr. Chief Justice Stone.

Forest E. Levers, Administrator, etc.,

Petitioner,

1085 vs.

A. V. Anderson, District Supervisor, Alcohol Tax Unit.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

For Mr. Chief Justice Stone.

Maryland Casualty Company,

Petitioner,

1029 vs.

County of Allegheny, a Political Subdivision of the Commonwealth of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice Stone.

County of Allegheny, Pennsylvania,
Petitioner,
1099 vs.
Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James H. O'Hara,
Petitioner,
1043 vs.
District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Blaise Pasqua, Mildred Ferris and Mary Lee Hendrix,
Petitioners,
1047 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. H. McLain, et al.,
Petitioners,
1063 vs.
E. B. Lance, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

75 Cases, More or Less, Each Containing 24 Jars of Peanut Butter, Labeled in Part (Jars): "Top Notch Brand" and Consolidated Causes,
Petitioners,
1077 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kraft Cheese Company,
Petitioner,
1084 vs.
Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grazia Pantini, as Administratrix of the Goods, Chattels and Credits which were of Zrazio Pantini, Deceased,

Petitioner,

1103 vs.

Reading Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. P. Kasishke, Coralena Oil Company and Olive Drilling Company,

Petitioners,

1117 vs.

B. A. Baker.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John F. X. Finn, as Trustee of Childs Company,

Petitioner,

1121 vs.

The 415 Fifth Avenue Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Homeopathic Hospital Association of the District of Columbia and Aetna Casualty and Surety Company,

Petitioners,

1124 vs.

Theodore Britton, Deputy Commissioner, District of Columbia Compensation District, etc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfonso Diuguid,

Petitioner,

1090 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard A. Engler,

Petitioner,

1100 vs.

General Electric Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard A. Engler,

Petitioner,

1100 vs.

General Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. Miller,

Petitioner,

1101 vs.

Mississippi & Skuna Valley Railroad.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

R. Miller,

Petitioner,

1101 vs.

Mississippi & Skuna Valley Railroad.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Oakley,

Petitioner,

1102 vs.

Mississippi & Skuna Valley Railroad.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. L. Oakley,

Petitioner,

1102 vs.

Mississippi & Skuna Valley Railroad.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman Haiges,

Petitioner,

1184 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Norman Maiges,

Petitioner,

1184 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gale E. Swolley,

Petitioner,

1202 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gale E. Swolley,

Petitioner,

1202 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Fuhs,

Petitioner,

1141 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte John Fuhs,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Fuhs,

Petitioner,

1141 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cassius McDonald,

Petitioner,

897, October Term, 1936 vs.

The United States of America.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cassius McDonald,

Petitioner,

520, October Term, 1941 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cassius McDonald,

Petitioner,

477, October Term, 1943 vs.

The United States of America.

A petition for rehearing and for other relief having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hooven & Allison Company,

Petitioner,

38 vs.

William S. Evatt, Tax Commissioner of Ohio.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

354 vs.

Elliott H. Wheeler et al., Executors, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Meurer Steel Barrell Company, Inc.,

Petitioner,

614 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

922 vs.

A. Broughton et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlantic Company,

Petitioner,

923 vs.

Emanuel Carthan et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. Bernard Dickey,

Petitioner,

966 vs.

Raisin Proration Zone No. 1 et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oil Workers International Union,
Local 463, et al.,

Petitioners,

1065 vs.

Texoma Natural Gas Company.

A petition for rehearing having been filed in this cause,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, May 21 next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Hilda D. Shea, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that William M. Siegenthaler, Esquire, of Tulsa, State of Oklahoma, and Zolla B. Hyde, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that David Meade Reild, Esquire, of Macon, State of Georgia, and David Reich, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Sparkman, It is ordered that David U. Patton, Esquire, of Athens, State of Alabama, and Robert F. Proctor, Esquire, of Fort Worth, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Willard K. White, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that Marian L. Randall, of Vallejo, State of California, and Willis N. Randall, Esquire, of Vallejo, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that Jane Brannon, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Brooks Hays, It is ordered that Beloit Taylor, Esquire, of Little Rock, State of Arkansas, and Marle W. Moorhead, Esquire, of Little Rock, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Ramage Lewis, It is ordered that Arthur W. Weber, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Forrest C. Donnell, It is ordered that Maurice W. Covert, Esquire, of Houston, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Stanley, It is ordered that Hazel E. Horton, of Washington, District of Columbia, and William George Bennett Crain, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that William Langdon Kimball, Esquire, of Bradenton, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that John D. Frederick, Esquire, of Muskegon, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert C. Rise, It is ordered that Richard Garfield Jeffers, Esquire, of Wenatchee, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Paul W. Walter, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Robert M. Frazier, Esquire, of Greensboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Newman, It is ordered that Felicia I. Kmiel, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Frank J. Albus, It is ordered that Edward V. McKeown, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Bernard H. Sokol, Esquire, of Chicago, State of Illinois; Robert S. Ashby, Esquire, of Ladoga, State of Indiana; and Walter N. Kuntz, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Richard Callahan, It is ordered that Anne Elizabeth Lally, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William S. Cole, It is ordered that Arthur P. Zirkaloso, Esquire, of Lincoln Park, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peter J. Donoghue, It is ordered that Joseph Brandwene, Esquire, of New York, State of New York, and Martin Klein, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Paul Schmidt, It is ordered that Allan Eli Cohan, Esquire, of Baltimore, State of Maryland, and Irving B. Grandberg, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rossa P. Downing, It is ordered that Gaylord Anderson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Shreve, Jr., It is ordered that Hobart Roosevelt House, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer M. Million, It is ordered that Winston C. Allen, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Wales, It is ordered that Jacquin David Norman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Thomas Ethridge Thrift, Esquire, of Birmingham, State of Alabama; Lewis Knox Cato, Esquire, of Birmingham, State of Alabama; and Paschal P. Vacca, Esquire, of Birmingham, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar W. Riese, It is ordered that Robert Lucius Thompson, Esquire, of Wellesley, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter M. Bastian, It is ordered that Freeland Franklin Penney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morton E. Rome, It is ordered that Samuel J. Singer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Clephane, It is ordered that Edwin M. Woods, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Jones, It is ordered that George A. Ferris, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Chipman, It is ordered that Edwin J. Morrell, Esquire, of Sutersville, Commonwealth of Pennsylvania, and Donald C. Knapp, Esquire, of Greenville, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Grover C. Sherrod, It is ordered that Mary M. Fagan, of Casey, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John J. Peacock, It is ordered that Cortlandt Poey, Esquire, of Flushing, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan M. Lubar, It is ordered that Harry Goodgold, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. Nixon, It is ordered that Raymond Evans Small, Esquire, of New Rochelle, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Alton Pfaff, It is ordered that Whitney Robson Harris, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Marvin Haynes, It is ordered that Richard E. Cross, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Isber, It is ordered that Henry J. Stein, Esquire, of Brookline, Commonwealth of Massachusetts, and Jerome Tannenbaum, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jordan R. Huntley, It is ordered that David Peterman, Esquire, of Yonkers, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Searls, It is ordered that Albert M. Herrmann, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse R. Smith, It is ordered that Paul E. Iverson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert L. Olson, It is ordered that Harold I. Patterson, Esquire, of Dallas, State of Texas, and William E. Remy, Jr., Esquire, of San Antonio, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Heywood Hardy, It is ordered that Charles O. Patterson, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth C. Heisler, It is ordered that Robert T. Jacoby, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James [illegible] Peacock, It is ordered that Walter T. Freybuerger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Lynham, It is ordered that William Pierson, Esquire, of Washington, District of Columbia, and Henry L. Doyle, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace Tillard Jones, It is ordered that Willard W. Gary, Esquire, of Zanesville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David C. Mathews, It is ordered that Clyde W. Riddes, Esquire, of Minneapolis, State of Minnesota, and Alice Elizabeth Culbare Riddes, of Minneapolis, State of Minnesota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that Ralph W. Jones, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Craig Peacock, It is ordered that Earl S. MacArthur, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Barton, It is ordered that Kenneth Richard Malovos, Esquire, of San Jose, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Harry S. Hyman, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick H. Loughran, It is ordered that Robert Conroy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin B. Lincoln, Jr., It is ordered that Pierce W. Gaines, Esquire, of New York, State of New York; Glen McDaniel, Esquire, of New York, State of New York; and James T. Pill, Jr., Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Carmody, It is ordered that Jerome D. Rosenfield, Esquire, of Los Angeles, State of California, and Robert I. Rudolph, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that Cale P. Gotschall, Esquire, of Washington, District of Columbia, and Jesse Feldman, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry A. Rand, It is ordered that W. Bernard Richland, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Medrick, Jr., It is ordered that [illegible], Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Stewart Seidman, It is ordered that Louis A. Tepper, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Vincent Calverley, It is ordered that Roger E. Johnson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horal L. Jackson, It is ordered that DeWitt Williams, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lowell Franklin Hammand, It is ordered that Eugene M. Giles, Jr., Esquire, of Western Springs, State of Illinois, and Q. Dexter Warner, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern., It is ordered that Milton E. Moskau, Esquire, of Grand Forks, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel M. Kunkel, It is ordered that Carl B. Klein, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Bernard Sclove, It is ordered that Lawrence L. Hollins, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith W. Brookhart, Jr., It is ordered that Milton S. Musser, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Davis, It is ordered that John K. Carlock, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eulan I. Snyder, It is ordered that Thomas Todd, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Epstein, It is ordered that Ernest O. Eisenberg, Esquire, of Arlington, Commonwealth of Virginia, and Abraham Tunick, Esquire, of Port Chester, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Arnold B. Christen, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Stuart Erdahl, It is ordered that Leo Victor Silverstein, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank E. Elmore, Jr., It is ordered that Samuel J. Foosaner, Esquire, of Newark, State of New Jersey, and Samuel S. Saiber, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward [illegible]. Huber, It is ordered that Elizabeth W. Weston, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Eleanor Schwartzbach, of Wilkes-Barre, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Richard L. Merrick, It is ordered that Kenneth P. Gregg, Sr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Aubrey Morley, It is ordered that Robert M. Ely III, Esquire, of Merion, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Bernard Keach, It is ordered that Walter Seabrook Chillingworth, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Hartfield, It is ordered that Edmund O'Hare, Esquire, of New York, State of New York; Robert B. Heinkel, Esquire, of New York, State of New York; John A. Gifford, Esquire, of New York, State of New York; William L. Williams, Esquire, of New York, State of New York; Neal M. Welch, Esquire, of New York, State of New York; Christopher W. Wilson, Jr., Esquire, of New York, State of New York; John M. Lumpkin, Esquire, of New York, State of New York; Brackley Shaw, Esquire, of New York, State of New York; Howley Mialla, Esquire, of New York, State of New York; and Charles Keating Rice, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Chase Securities Corporation, Now Known as Amerex Holding Corporation,

Appellant,

110 vs.

Frank A. Donaldson and Frank A. Donaldson, Jr., Executors of the Estate of Ruth Chase Donaldson, Deceased.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Ambassador, Inc., Washington-Annapolis Hotel Company, David A. Baer & Robert O. Scholz, a Partnership, et al.,

Appellants,

446 vs.

The United States of America, American Telephone & Telegraph Company, et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Jackson.

Mr. Justice Black and Mr. Justice Douglas took no part in the consideration or decision of this case.

Sinclair & Carroll Company, Inc., Petitioner,

656 vs.

Interchemical Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Black and Mr. Justice Douglas concur in the result.

John F. X. Finn, as Trustee of Childs Company, Petitioner,

953 vs.

Burton C. Meighan, Jr., as Substituted Trustee Under the Last Will and Testament of William T. Wood, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Douglas.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

84 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Murphy in which the Chief Justice and Mr. Justice Jackson join.

Dissenting opinion by Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

William F. Esenwein,

Petitioner,

20 vs.

Commonwealth ex rel May H. Esenwein.

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

Concurring opinion by Mr. Justice Rutledge.

Commissioner of Internal Revenue, Petitioner, vs. Estate of Edward T. Bedford, Title Guarantee and Trust Company, Executor. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

710

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Angelus Milling Company, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

610

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Douglas.

De Beers Consolidated Mines, Ltd., Diamond Corporation, Ltd., and Diamond Trading Company, Ltd.,

Petitioners,

vs.

The United States of America.

1189

On writ of certiorari to the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, granting the preliminary injunction be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Reed concur.

Societe Internationale Forestiere et Miniere du Congo and Compankia de Diamantes de Angola,

Petitioners,

vs.

The United States of America.

1190

On writ of certiorari to the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, granting the preliminary injunction be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Reed concur.

United States Alkali Export Association, Inc., Pittsburgh Plate Glass Company (Inc.), Church & Dwight Co., Inc., et al.,

Petitioners,

1016 vs.

The United States of America.

On writ of certiorari to the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said District Court, in this cause, denying the motion to dismiss the complaint be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in part and dissents in part.

California Alkali Export Association, West End Chemical Co. (Inc.), Pacific Alkali Co.,

Petitioners,

1017 vs.

The United States of America.

On writ of certiorari to the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said District Court, in this cause, denying the motion to dismiss the complaint be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in part and dissents in part.

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The Chief Justice said:

"The orders of the Court announced from the bench yesterday by the Chief Justice and filed with the Clerk are all entered and will not be announced again."

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Morris Saylor, Doing Business as Bell Coach Lines,

Appellant,

vs.

Straight Creek Bus, Incorporated and Ben J. Brumleve, Director of the Division of Motor Transportation.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

1204

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Curiam.

William A. Doss,

Appellant,

vs.

E. E. Lindsley, Sheriff of Piatt County, Illinois.

Appeal from the Supreme Court of the State of Illinois.

1218

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Curiam. Chief Justice Vinson.

William A. Doss,

Appellant,

vs.

E. E. Lindsley, Sheriff of Piatt County, Illinois.

Appeal from the Supreme Court of the State of Illinois.

1218

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Vergil D. McMillan,

Petitioner.

_____.

ON CONSIDERATION of the application submitted herein by Vergil D. McMillan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Forest G. Wood,

Petitioner.

_____.

ON CONSIDERATION of the application submitted herein by Forest G. Wood,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

_____ vs.

Ralph S. Hinman.

ON CONSIDERATION of the application submitted herein by Dai
D. Wilson,

IT IS ORDERED by this Court that the said application be, t
the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond O. DeMaurez,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition
for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and th
same is hereby, denied.

Per Mr. Chief Justice Stone.

Harmon M. Waley,

Petitioner,

_____ vs.

James A. Johnston, Warden.

ON CONSIDERATION of the motion for leave to file a petition
for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and t
same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil Snow,

Petitioner,

vs.

James A. Johnston, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert R. House,

Petitioner,

vs.

Nathan Mayo, State Prison Custodian of Florida.

ON CONSIDERATION of the application for bail and for other relief herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

9, Original vs.

The State of Indiana et al.

ON CONSIDERATION of the motion for leave to file the amended bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and process is ordered to issue returnable on or before August 1, next. The answers heretofore filed to the original bill may stand as answers to the amended bill if the parties filing them are so advised.

Per Mr. Chief Justice Stone.

Vernice G. Davis,

Petitioner,

1255 vs.

The United States of America.

ON CONSIDERATION of the application for bail submitted by

Vernice G. Davis,

IT IS ORDERED by this Court that said application be, and the same is hereby, denied.

Mr. Chief Justice Stone.

Central States Electric Company,

Petitioner,

#85 vs.

City of Muscatine, Iowa, and Elmer E. Johnson, etc.

It is ordered that the judgment and decree of this Court in the above entitled cause be amended so as to provide that the costs of Central States Electric Company be paid from the $25,000.00 which had separated from the fund paid into the Circuit Court of Appeals for the Eighth Circuit by the Natural Gas Pipeline Company of America pursuant to the City of Muscatine, Iowa. It is further ordered that the mandate in this case be recalled.

Mr. Justice Jackson.

See original judgment entered on February 15, 1943.

Central States Electric Company,
Petitioner,
85 vs.
City of Muscatine, Iowa, and Elmer E. Johnson, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the orders of the said United States Circuit Court of Appeals dated February 14, 1944, denying the application of Central States Electric Company and directing payment of the fund in question to city treasurers be, and the same are hereby, reversed, costs of Central States Electric Company to be paid from the $25,708.54 which was separated from the fund paid into the Circuit Court of Appeals by the Natural Gas Pipiline Company of America.

It is further ordered that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

The United States,
Petitioner,
*431 vs.
Beuttas, et al.

The last paragraph of the opinion is amended by striking therefrom the sentence: "So far as the judgment includes a sum to cover the increase of wage costs in question, it is reversed"; and inserting in lieu thereof: "As to the item of $3,751.83 increased wage costs, the judgment must be reversed; in other respects it is affirmed." It is ordered that the judgment be amended accordingly.

Per Mr. Chief Justice Stone.

*See original judgment entered on April 23, 1945.

The United States, Petitioner, vs. Joseph W. Beuttas, John W. Beuttas, and Paul H. Beuttas, Trading as B-W Construction Co., Not Inc. — Writ of certiorari to the Court of Claims.

431

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed as to the item of $3,751.83 increased wage costs; in other respects it is affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Douglas concurs in the result.

Alma Motor Company, Petitioner, vs. The Timken-Detroit Axle Company and The United States of America.

806

This case is ordered restored to the docket for reargument. Counsel are requested to give special consideration in their briefs and argument to the following questions:

1. Whether the Royalty Adjustment Act, 56 Stat. 1013, is constitutional under the Fifth Amendment as applied to royalties due respondent, Timken-Detroit Axle Company, to petitioner for the patented devices manufactured, sold, and delivered to the Government (a) before the enactment of the Act and (b) before the promulgation of the departmental royalty order.

2. Whether sec. 2 of the Act, authorizing a suit to be brought in the Court of Claims or in a district court, saves to petitioner any rights it may have to recover, in such a suit or otherwise, any of the royalties stipulated to be paid under its contract with respondent, Timken-Detroit Axle Company.

The East New York Savings Bank,

Appellant,

1174 vs.

Alvin Hahn and Hannah Hahn.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Kirby Petroleum Company, Order allowing certiorari.

Petitioner,

1139 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Oklahoma Press Publishing Company, Order allowing certiorari.

Petitioner,

1171 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

News Printing Co., Inc., Order allowing certiorari.

Petitioner,

1179 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following Oklahoma Press Publishing Co. vs. Walling, No. 1171.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Courtney M. Mabee, Charles K. Barnum,
Edward G. Tompkins, et al.,

Petitioners,

1152 vs.

White Plains Publishing Company, Inc.

ON CONSIDERATION of the motion to dispense with reprinting the record on the application for writ of certiorari in this case,

IT IS ORDERED that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Courtney M. Mabee, Charles K. Barnum, Edward G. Tompkins, et al., — Order allowing certiorari.

Petitioners,

1152 vs.

White Plains Publishing Company, Inc.

The petition herein for a writ of certiorari to the Court of Appeals of the State of New York is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Arlie Cox,

Petitioner,

1126 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Rambo,

Petitioner,

1127 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. [illegible].

United States, ex rel. William A. Doss,

Petitioner,

1128 vs.

E. E. Lindsley, Sheriff, Piatt County, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Abraham Jeskowitz,

Petitioner,

1143 vs.

Leonard M. Carter, Trustee in Bankruptcy of Union Fabrics, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. [illegible].

John M. Price & Sons,

Petitioner,

1144 vs.

Maryland Casualty Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marjorie Hair Burton, Individually and as Administratrix of the Estate of Frederic A. Burton, Deceased,

Petitioner,

1147 vs.

Freeman Coal Mining Corporation, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wendell J. Caley,

Petitioner,

1161 vs.

Ryan Distributing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh B. Monjar, Also known as H. B. Monjar,

Petitioner,

1104 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice [illegible].

Josephine T. Monjar,

Petitioner,

1105 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice [illegible].

Abraham J. Cook, also known as A. J. Cook,

Petitioner,

1106 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice [illegible].

John Fenton Jones, also known as J. F. Jones,

Petitioner,

1107 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clement O. Drew, also known as C. O. Drew,

Petitioner,

1108 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Donald F. Moore,

Petitioner,

1109 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Linck,
Petitioner,
1110 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James J. Fitzpatrick,
Petitioner,
1111 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest F. Willard,
Petitioner,
1112 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence W. Candlin, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1113

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leonard B. Cruser, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1114

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter H. Maddams, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1115

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey B. McAllister,
Petitioner,
1131 vs.
City of Diesel, Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey B. McAllister,
Petitioner,
1132 vs.
City of Moody, Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Brotherhood of Locomotive Firemen & Enginemen, et al.,
Petitioners,
1138 vs.
Interstate Commerce Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Shenko and Ruth A. Shenko, Administrators of the Estate of Joseph E. Shenko, Jr., a Minor, Deceased,

Petitioners,

1165 vs.

Jack Cole Transportation Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Greater New York Broadcasting Corporation,

Petitioner,

1166 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Covington Dulany,

Petitioner,

1168 vs.

M. Coppard, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Josephine M. Moss, Administratrix of the Estate of Nicholas John Moss, Deceased,

Petitioner,

1182 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Annie Norton, Trustee,

Petitioner,

1183 vs.

Tom Green County, Texas.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, Third Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, Third Supreme Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Madeirense do Brasil, S/A,

Petitioner,

1186 vs.

Stulman-Emrick Lumber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sunray Oil Company, Petitioner, vs. Commissioner of Internal Revenue. 1198 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Mason, Petitioner, vs. Imperial Irrigation District and Imperial Irrigation District Bondholder's Protective Committee. 1211 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner, vs. Republic Cotton Mills. 1223 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marvin P. Russell, Receiver,
Petitioner,
1227 vs.
Atlanta Flooring & Insulation Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacque O. Brooks et ux.,
Petitioners,
1140 vs.
Fred J. Dewitt et ux.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jacque O. Brooks, et ux.,
Petitioners,
1140 vs.
Fred J. Dewitt, et ux.

On petition for writ of certiorari to the Supreme Court of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hearst Magazines, Inc., Petitioner, vs. Mercedes de Acosta. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1146

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

Beth Brown, Petitioner, vs. Mercedes de Acosta. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1157

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

The United States of America, Petitioner, vs. Dahne W. Winebrenner. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

1149

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that certiorari should be granted.

The United States of America,
Petitioner,
1150 vs.
Cornelius C. Loose.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that certiorari should be granted.

David Fisher,
Petitioner,
1160 vs.
Jack L. Medwedeff, Trustee in the Matter of David Fisher, Individually and trading as Federal Sales Company, Bankrupt.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

For Mr. Chief Justice Stone.

Butler Disman,
Petitioner,
1181 vs.
Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

For Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Thomas M. Stubbs, as trustee in bankruptcy of American Bond & Share Corporation,

Petitioner,

1205 vs.

Fulton National Bank of Atlanta.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Roy V. Quinn,

Petitioner,

1129 vs.

Robert A. Heinze, Warden of the California State Prison at Folsom.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy V. Quinn,

Petitioner,

1129 vs.

Robert A. Heinze, Warden of the California State Prison at Folsom.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel.
Gene McCann,

Petitioner,

1130 vs.

E. E. Thompson, Warden of the
United States Detention Headquarters,
etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

per Cur. Chief Justice Stone.

The United States of America, ex rel.
Gene McCann,

Petitioner,

1130 vs.

E. E. Thompson, Warden of the United
States Detention Headquarters, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

per Cur. Chief Justice Stone.

Ernest Sorenson,

Petitioner,

1145 vs.

Lee County, Iowa, District Court
at Fort Madison, Iowa.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

per Cur. Chief Justice Stone.

Ernest Sorenson,

Petitioner,

1145 vs.

Lee County, Iowa, District Court at Fort Madison, Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mollie Moore,

Petitioner,

1151 vs.

Mrs. M. C. Bailey.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mollie Moore,

Petitioner,

1151 vs.

Mrs. M. C. Bailey.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel Jay Redmon,

Petitioner,

11[illegible] vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, [illegible].

ON CONSIDERATION of the motion for leave to proceed herein

in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

/s/ [illegible]

Daniel Jay Redmon,

Petitioner,

11[illegible] vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, [illegible].

ON CONSIDERATION of the petition for a writ of mandamus herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

/s/ [illegible]

Deirdre Crockett,

Petitioner,

1232 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein

in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

/s/ [illegible]

Geirude Crockett,

Petitioner,

1232 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Bongiorno,

Petitioner,

1116 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Bongiorno,

Petitioner,

1116 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion to supplement the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Bonciorno,

Petitioner,

1116 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the petition for a writ of [illegible] herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

[illegible] Chief Justice Vinson.

Georgia M. Spruill,

Petitioner,

1162 vs.

William T. Ballard, et al.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

[illegible] Chief Justice Vinson.

Georgia M. Spruill,

Petitioner,

1162 vs.

William T. Ballard, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

[illegible] Chief Justice Vinson.

Ex parte Bryan Schwab,

Petitioner.

_____.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr., Administrator, c. t. a., etc., et al.,

Petitioners,

177 vs.

Farmers Bank & Trust Company et al.

ON CONSIDERATION of the motion for leave to file a motion to vacate the order denying certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. M. Ledbetter, Jr., Administrator, c. t. a., etc., et al.,

Petitioners,

177 vs.

Farmers Bank & Trust Company et al.

ON CONSIDERATION of the motion to vacate the order denying certiorari in this case,

IT IS ORDERED by this Court that the said motion to vacate be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Noel Gaines,

Petitioner.

_____.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Noble and Ellis O. Jones,

Petitioners,

_____ vs.

Claude O. Botkin.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Victor J. Herb,

Petitioner,

24 vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of Wabash Railway Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin F. Belcher,

Petitioner,

25 vs.

Louisville and Nashville Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Precision Instrument Manufacturing Company et al.,

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Brooklyn Savings Bank,

Petitioner,

445 vs.

William J. O'Neil.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Gallagher,

Petitioner,

761 vs.

Joseph E. Ragen, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Carter,

Petitioner,

vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Bissell,

Petitioner,

963 vs.

Milton M. Amrine, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Lesser,

Petitioner,

990 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Zeno W. Putnam and Bessie L. Putnam,

Petitioners,

1039 vs.

Federal Land Bank of Baltimore.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George S. Hawke,

Petitioner.

1040

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. F. Howard,

Petitioner,

1055 vs.

Chicago, Burlington & Quincy R. R. Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Murray Cohen,

Petitioner,

1083 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, May 28, next.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
Frank Murphy,
Wiley Rutledge. Associate Justices,
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George L. Schwabe, It is ordered that John A. Beeman, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Albert S. Scott, Jr., Esquire, of Beverly Hills, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Forrest E. Ely, Esquire, of Batavia, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Rama Lewis, It is ordered that John J. Malik, Esquire, of Bellaire, State of Ohio be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that Melvin F. Johnson, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that E. Harris Drew, Esquire, of West Palm Beach, State of Florida; Raymond C. Alley, Esquire, of West Palm Beach, State of Florida; Joseph S. White, Esquire, of West Palm Beach, State of Florida; and Horner C. Fisher, Esquire, of West Palm Beach, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Berniece C. Merrill, of Detroit, State of Michigan, and Charles E. Merrill, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Fred A. Kueppers, Esquire, of Saint Paul, State of Minnesota; Ruth E. Bates, of Washington, District of Columbia; Edwin M. Warner, Esquire, of Geneva, State of Ohio; Sergei S. Zlinkoff, Esquire, of New York, State of New York; Edward P. Russell, Esquire, of Memphis, State of Tennessee; Armistead Buckner Rood, Esquire, of Washington, District of Columbia; and Jack G. McBride, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that Michael Joseph Kaine, Jr., Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Pickett, It is ordered that Lewis C. Orsborn, Esquire, of Canton, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth It is ordered that James J. Robinson, Esquire, of Bloomington, State of Indiana; Earl W. Kintner, Esquire, of Princeton, State of Indiana; and Edwin K. Steers, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert R. Lockwood, It is ordered that Fred Stark Lockwood, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold F. Hanson, It is ordered that Lewis L. Wadsworth, Jr., Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetter, It is ordered that Philip Subkow, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Kern Hirsch, It is ordered that Robert Lee Wills, Esquire, of Chillicothe, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward L. Smith, It is ordered that John P. Randolph, Esquire, of Bryson City, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph B. Stewart, It is ordered that John L. Wiegraffe, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wallace Haynes Walker, It is ordered that Louis Paul Haffer, Esquire, of Boston, Commenwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Cameron Burton, It is ordered that Sylvester W. Keesee, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis C. Sullivan, It is ordered that Edwin Kenneth Resseger, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene M. Giles, Jr., It is ordered that Marvin H. Smith, Esquire, of Federalsburg, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert O. Muller, It is ordered that Earl Albert Darr, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Ethridge, Jr., It is ordered that James J. Lenoir, Esquire, of McComb, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Meuth, It is ordered that August J. Winkenhofer, Jr., Esquire, of Bowling Green, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Hirshberg, It is ordered that Alexander Herbemont Fraser, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley W. Coulliette, It is ordered that Frank J. Murray, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond M. Hudson, It is ordered that Ralph Wallace White, Esquire, of Scranton, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hermann Moyse, It is ordered that Robert Jepson Harding, Esquire, of East Saint Louis, State of Illinois, and Morton Singer, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis W. Goodkind, It is ordered that Russell Sherman Bernhard, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold A. Henderson, It is ordered that Charles C. Pearce, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry I. Fillman, It is ordered that George W. Mead, Esquire, of Portland, State of Oregon, and William W. Asch, Esquire, of Easton, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton S. Musser, It is ordered that Thomas S. Kinkel, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix S. Cohen, It is ordered that Harry N. Rosenfield, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Golden, It is ordered that Maurice H. Matzkin, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Lichtenberg, It is ordered that John A. Jamison, Esquire, of Darlington, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob D. Hyman, It is ordered that Josephine H. Klein, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Joseph H. Freehill, It is ordered that Sidney B. Jacoby, Esquire, of Chicago, State of Illinois, and Bertram M. Landesman, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Dwight L. Rogers, Esquire, of Fort Lauderdale, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joe W. Sheehy, It is ordered that Thomas G. Thigpin, Esquire, of San Angelo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orin deMotte Walker, It is ordered that Harold Errol Marks, Esquire, of Chicago, State of Illinois, and Henry Bloch, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh Fulton, It is ordered that Theodore C. Baer, Esquire, of Peoria, State of Illinois, and Wilbur D. Sparks, Esquire, of Savannah, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. McNamara, It is ordered that John C. Fitzgerald, Esquire, of Chicago, State of Illinois, and James Joseph Kearney, Esquire, of Winnetka, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that Clifton S. Thomson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard S. Peck, It is ordered that James Arthur Danahey, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Warren, It is ordered that J. Leland Rickard, Esquire, of Deposit, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Remy, Jr., It is ordered that Jewell Davis Lemons, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Richard L. Firestone, It is ordered that William W. Alsup, Esquire, of Los Angeles, State of California, and Richard F. Upton, Esquire, of Concord, State of New Hampshire, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry I. Rand, It is ordered that Isidore H. Wachtel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip J. Hennessey, Jr., It is ordered that Harold Guy Cowgill, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Clyde D. Sandgren, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that Marjorie A. McKenzie, of Washington, District of Columbia; Margaret Austin Haywood, of Washington, District of Columbia; and Elvin H. Wanzo, Esquire, of Toledo, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss; Mrs.)

On motion first made to the Court in this behalf by Mr. Joe Weber, It is ordered that Henry F. Schenk, Esquire, of West Orange, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Manify, It is ordered that J. Sinclair Armstrong, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon B. Lowrey, It is ordered that Ivy Lee Buchanan, of Vicksburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Zolla B. Hyde, It is ordered that Earl I. Harwood, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving J. Levy, It is ordered that Morris A. Wainger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Swan Platt, It is ordered that Earl F. Morris, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Duggan, It is ordered that Jerome J. Downey, Esquire, of Rockford, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. McFadden, It is ordered that Edwin J. Putzell, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur B. Carton, It is ordered that Robert J. Dixson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sotero H. Laurel, It is ordered that V. G. Sinco, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel I. Abella, It is ordered that Candido R. Palting, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that David S. Lichtenstein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Parsons, It is ordered that Samuel Hassel, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America and Interstate Commerce Commission,

Appellants,

663 vs.

Capital Transit Company, Alexandria, Barcroft and Washington Transit Company, Arlington and Fairfax Motor Transportation Company, et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts is of the opinion that the Commission has no jurisdiction of the fares in question for the reasons set forth in the opinions below.

Mr. Justice Reed and Mr. Justice Douglas dissent from part Second of the opinion.

International Union of Mine, Mill and Smelter Workers, Locals No. 15, 17, 107, 108 and 111, Affiliated with the Congress of Industrial Organizations,

Petitioners,

337 vs.

Eagle-Picher Mining and Smelting Company, Eagle-Picher Lead Company, and National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the Circuit Court of Appeals dated April 19, 1944, denying the motion of the National Labor Relations Board for judgment on its petition to vacate and remand and dismissing its petition, and the order dated May 17, 1944, denying the motion of petitioners herein to modify the decree or to remand, be, and the same are hereby, affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

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The Chief Justice announced the following orders of the Court:

Hotel Astor, Inc., Barbizon-Plaza Hotel Co., Inc., New York State Realty and Terminal Company, et al., Appellants, vs. The United States of America, et al.

Appeal from the District Court of the United States for the Southern District of New York.

823

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Twisp Mining & Smelting Company, Appellant, vs. The Chelan Mining Company, et al.

Appeal from the Supreme Court of the State of Washington.

866

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Twisp Mining & Smelting Company, Appellant, vs. The Chelan Mining Company, et al. — On petition for writ of certiorari to the Supreme Court of the State of Washington.

866

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alabama Highway Express, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission. — Appeal from the District Court of the United States for the Northern District of Alabama.

1229

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the court below be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Jack A. McCoy,

Petitioner,

_____ vs.

Walter A. Hunter, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Floyd E. Welch,

Petitioner,

_____ vs.

P. J. Brady, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Blake,

Petitioner,

vs.

P. J. Brady, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Sweet,

Petitioner,

vs.

Honorable Luther M. Swygert, Judge.

ON CONSIDERATION of the application submitted herein by Richard Sweet,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

People of Illinois, ex rel. Walter Price,

Petitioner,

vs.

Joseph E. Hagen, Warden, etc.

ON CONSIDERATION of the petition for writ of certiorari submitted herein by Walter Price,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gange Lumber Company,

Appellant,

1094 vs.

Ralph Rowley and Department of Labor and Industries of the State of Washington.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this question.

The North American Company,

Petitioner,

1 vs.

Securities and Exchange Commission;

Securities and Exchange Commission,

Petitioner,

15 vs.

Engineers Public Service Company, et al.; and

Engineers Public Service Company, et al.,

Petitioners,

16 vs.

Securities and Exchange Commission.

Case No. 1 is restored to the regular docket, and together with Nos. 15 and 16 these cases are assigned for argument on Monday, October 8, next.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

American Power & Light Company, Order allowing certiorari.

Petitioner,

166 vs.

Securities and Exchange Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument on Monday, October 8th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Electric Power & Light Corporation, Order allowing certiorari.

Petitioner,

167 vs.

Securities and Exchange Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument on Monday, October 8th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter B. Atkins, Order allowing certiorari.

Petitioner,

295 vs.

Ethel W. Atkins.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James E. Markham, Alien Property Custodian, Order allowing certiorari.

Petitioner,

1167 vs.

Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ashbacker Radio Corporation, Order allowing certiorari.

Petitioner,

1196 vs.

Federal Communications Commission.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Louis Dabney Smith, Order allowing certiorari.

Petitioner,

1201 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pierce Oil Corporation and Henry C. Riely and Robert T. Barton, Jr., as its Receivers, On petition for writ of certiorari to The Court of Claims.

Petitioners,

1096 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Massman Construction Company, On petition for writ of certiorari to

Petitioner, The Court of Claims.

1169 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James J. Laughlin,

Petitioner,

1172 vs.

Chief Justice and Associate Justices of the District Court of the United States for the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Union Pacific Railroad Company,

Petitioner,

1175 vs.

Charlotte E. Leet, Administratrix of the Estate of Alfred Martin Thatcher, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Union Pacific Railroad Company,

Petitioner,

1176 vs.

Charlotte E. Leet, Administratrix of the Estate of Harold Patrick Utterback, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry E. Kalodner, Judge of the District Court of the United States for the Eastern District of Pennsylvania,

Petitioner,

1187 vs.

Webster Eisenlohr, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John C. Black,

Petitioner,

1194 vs.

Richfield Oil Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

North Kansas City Development Company, North Kansas City Bridge & Railroad Company, et al.,

Petitioners,

1195 vs.

Chicago, Burlington & Quincy Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this

Miami Bridge Company,

Petitioner,

1197 vs.

Railroad Commission of the State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter S. Heller,

Petitioner,

1200 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Minola Tamesa,

Petitioner,

1210 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David H. Alsop, et al., Petitioner,

1222 vs.

Robert August Pascucci, Infant, by David A. Hart, Guardian ad litem.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Approved Dehydrating Co., Inc., Petitioner,

1225 vs.

Golden Eagle Farm Products, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clara I. Mays, Petitioner,

1208 vs.

William T. Burgess, Frances E. Burgess, H. P. Gumbrecht, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge are of opinion that certiorari

should be granted.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Mary Mackall,

Petitioner,

1177 vs.

Washington Gas Light Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Mary Mackall,

Petitioner,

1177 vs.

Washington Gas Light Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Telfian,

Petitioner,

1185 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Charles Telfian,

Petitioner,

1185 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Norman Baker,

Petitioner,

693, October Term, 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

National Labor Relations Board,

Petitioner,

452 vs.

Le Tourneau Company of Georgia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The State of Ohio, ex rel. Hugh M. Foster, a Taxpayer,

Petitioner,

1036 vs.

William S. Evatt, Tax Commissioner of Ohio.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alex Rinko,

Petitioner,

1071 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Mosher,

Petitioner,

506 vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the motion of petitioner for leave to file a second petition for rehearing in this case and for other relief,

IT IS ORDERED by this Court that leave be granted petitioner to file a second petition for rehearing by September 1, 1945. The motion for other relief is denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Thomas Henry Robinson, Jr.,

Petitioner,

514 vs.

The United States of America.

A second petition for rehearing having been filed in this case

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which orders are this day announced.

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O R D E R

The Court will take a recess from today until Monday, June 4, and from that day until Monday, June 11, on which day it will adjourn for the term unless otherwise ordered.

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Proclamation being made the Court is adjourned until Monday, June 4, next, at 12 o'clock.

MONDAY, JUNE 4, 1945.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge, Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss Patrice Rice, It is ordered that Frederick J. Rice, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Cleveland Hedrick, Jr., It is ordered that Nathan T. Elliff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Leo E. Anderson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Duncan C. Gibb, It is ordered that Matthew Jerome Rust, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Anna A. O'Neill, It is ordered that Miriam Theresa Rooney, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. George L. Quinn, Jr., It is ordered that George Philip Daly, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josef Diamond, It is ordered that Elery Abram Van Diest, Esquire, of Yakima, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Henry George Petersen, Jr., Esquire, of Milwaukee, State of Wisconsin; David M. Edelstein, Esquire, of New York, State of New York; and Marvin C. Taylor, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Hudgins, It is ordered that Alvin M. Cibula, Esquire, of Redding, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Foster, It is ordered that Sparkman D. Foster, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Riley A. Gwynn, It is ordered that John F. Miller, Esquire, of Saint Anthony, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter LeRoy Green, It is ordered that Louis Lebowitz, Esquire, of Mount Rainier, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Fitzgerald, It is ordered that Gerritt W. Wesselink, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Jerome V. O'Grady, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that David S. McNardy, Esquire, of Marysville, State of Michigan, and Arch R. Tuthill, Esquire, of Pasadena, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stearns, It is ordered that Kenneth H. York, Esquire, of Pueblo, State of Colorado, and George B. Rice, Esquire, of Denver, State of Colorado, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Henry Kutz, It is ordered that Josephine L. Kestler, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. W. Crosby Roper, Jr., It is ordered that Sarah Williamson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Commissioner of Internal Revenue,
Petitioner,
589 vs.
William D. Disston.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Chester Bowles, Administrator, Office of Price Administration,
Petitioner,
914 vs.
Seminole Rock & Sand Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Roberts.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

955 vs.

Youngerman-Reynolds Hardwood Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

956 vs.

Harnischfeger Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Wisconsin.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

L. C. Akins, Petitioner,
vs.
The State of Texas.

853

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting: The Chief Justice and Mr. Justice Black.

Dissenting opinion by Mr. Justice Murphy.

American Power & Light Company, Petitioner,
vs.
Securities and Exchange Commission.

470

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Reed join.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Securities and Exchange Commission, Petitioner, vs. Samuel Okin. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

815

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the order dated August 9, 1944, denying the motion to dismiss and the order dated December 2, 1944, denying the motion to dismiss or affirm, in this cause, be, and the same are hereby, affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Black and Mr. Justice Reed concur in the result.

Dissenting opinion by Mr. Justice Murphy.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Trust U/W of Mary Lily (Flagler) Bingham, Messrs. William H. Kenan, Jr., and Lawrence C. Maines, Trustees,

Petitioner,

932 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and the judgment of the Tax Court is affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson join.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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S. Buchsbaum & Co., Askania Regulator Co., Diamond Braiding Mills, Inc., et al.,

Appellants,

1219 vs.

Robert L. Gordon, Director of Labor of the State of Illinois.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

1236 vs.

Federal Motor Truck Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

1236 vs.

Federal Motor Truck Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further consideration of the alleged changed circumstances with respect to the demilitarization of the employees involved and the effect thereof on the Board's orders.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner,

1237 vs.

Jones & Laughlin Steel Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner,

1237 vs.

Jones & Laughlin Steel Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for

further consideration of the alleged changed circumstances with respect to the demilitarization of the employees involved and the effect thereof on the Board's orders.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner, vs. E. C. Atkins and Company. — Order allowing certiorari.

1238

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner, vs. E. C. Atkins and Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1238

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further consideration of the alleged changed circumstances with respect to the demilitarization of the employees involved and the effect thereof on the Board's orders.

Per Mr. Chief Justice Stone.

People of the State of Illinois
ex rel. Elijah White,

Petitioner,

vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the petition for writ of certiorari submitted herein by Elijah White,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Hinkle,

Petitioner,

vs.

Luther M. Swygert, Judge.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Burns Sinclair,

Petitioner,

vs.

Luther M. Swygert, Judge.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ben F. Mason,

Petitioner,

vs.

Tom Smith, Superintendent, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Garfield J. Kelly,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Tom Watson, Attorney General of Florida,

Petitioner,

vs.

Spessard L. Holland, as Governor of Florida, et al., etc.

ON CONSIDERATION of the application for an extension of time within which to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Paper Stock Company, et al., Petitioners,

1206 vs.

Chester Bowles, Price Administrator.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

James E. Markham, Alien Property Custodian and W. Alexander Julian, Treasurer of the United States, Petitioners,

1271 vs.

Hartwell Cabell.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

State of California (In the Matter of the Estate of Carl A. Lindquist, also Called Carl Lindquist, Deceased), Petitioner,

1092 vs.

State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of California (In the Matter of the Estate of Patrick Walker, also Known as Patrick J. Walker),

Petitioner,

1093 vs.

The United States of America.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America (In the Matter of Estate of Carl A. Lindquist, also called Carl Lindquist, deceased),

Petitioner,

1214 vs.

State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America (In the Matter of Estate of Patrick Walker, also known as Patrick J. Walker, deceased),

Petitioner,

1215 vs.

State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Y. Creech, et al., and Inman W. Weeks, as Administrator of the Estate of C. E. Thomas, Deceased, et al.,

Petitioners,

1095 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Accident Insurance Company,

Petitioner,

1123 vs.

United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Dillman and W. R. Ross, et al.,

Petitioners,

1203 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Philadelphia, Rufus S. Reeves, Director of Department of Public Health, et al., Petitioners, vs. The United States of America.

1207

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

42nd St. Foto Shop, Inc., Fotoshop, Incorporated, and Sam Marcus d/b/a Marcus Photo Service and as Fotoshop, Petitioners, vs. New York State Labor Relations Board.

1216

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armour and Company, Petitioner, vs. Chester Bowles, Price Administrator.

1220

On petition for writ of certiorari to the U. S. Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Emergency Court of Appeals, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oswald and Hess Company,

Petitioner,

1221 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the U. S. Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Emergency Court of Appeals, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Travis J. Battles, Receiver of Casualty Underwriters and of Underwriters Agency,

Petitioner,

1226 vs.

Braniff Airways, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. James Wertz, Non-Consenting Bondholder,

Petitioner,

1231 vs.

The Village of Solon, Ohio.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The National Bronx Bank of New York, Petitioner, vs. Commissioner of Internal Revenue. 1233

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Frank L. Nathanson, Petitioner, vs. People of the State of Illinois. 1235

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Lorenza, Petitioner, vs. The City of Cleveland. 1240

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of Robert Marshall, James Marshall, Executor,
Petitioner,
1246 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mike Gault and Allen Gault,
Petitioner,
1248 vs.
State of Oklahoma, ex rel. Randell S. Cobb, Attorney General.

On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court of Appeals of the State of Oklahoma, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Western States Machine Company,
Petitioner,
1251 vs.
S. S. Hepworth Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Texas and Pacific Railway Company, Petitioner,

1252 vs.

Mrs. G. J. Riley, Administratrix of the Estate of G. J. Riley, Deceased.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, Sixth Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, Sixth Supreme Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Boston & Maine Railroad, Petitioner,

1256 vs.

Edward L. Cabana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Frank A. Dudley, et al., Constituting The Stockholders' Protective Committee, Petitioner,

1268 vs.

Carroll E. Mealey, Trustee of Albany Hotel Corporation, Debtor, et al.,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bank of New York,

Petitioner,

1255 vs.

Louise A. Griffith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Thomas S. Wills,

Petitioner,

1262 vs.

The Supreme Court of Iowa, State of Iowa.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas S. Wills,

Petitioner,

1262 vs.

The Supreme Court of Iowa, State of Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David Flannigan,

Petitioner,

1290 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

David Flannigan,

Petitioner,

1290 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Will County of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas E. Brigance,

Petitioner,

1325 vs.

State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas E. Brigance,

Petitioner,

1325 vs.

State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied. The order heretofore entered staying the execution of sentence in this case is vacated.

Per Mr. Chief Justice Stone.

Benjamin Whitson,

Petitioner,

1333 vs.

State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Benjamin Whitson,

Petitioner,

1333 vs.

State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied. The order heretofore entered staying the execution of sentence in this case is vacated.

Per Mr. Chief Justice Stone.

Albert Covington Dulaney,

Petitioner,

1168 vs.

M. Coppard, Trustee.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Adelyn Ransom Droste, as Executrix of the Estate of Chas. F. or Charles F. Droste, Jr., Deceased,

Petitioner,

1259 vs.

Harry Atlas Sons Inc., and Atlas Packaging Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

IT APPEARING to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, June 11, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Charles W. Mason, Esquire, of Nowata, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that James Rogers Miller, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hale Boggs, It is ordered that Severn T. Darden, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Jack Martin, It is ordered that Kermit C. Sitterley, Esquire, of Lancaster, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Virgil M. Goode, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Nathan R. Kobey, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Potter, It is ordered that Collins J. Seitz, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott Russell, It is ordered that Glenn M. Coulter, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Challen B. Ellis, It is ordered that Rhea Whitley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Murdoch MacGregor, It is ordered that Fred I. Simon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert M. Cole, It is ordered that Walker F. Means, Esquire, of Hiawatha, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Marker Dorn, It is ordered that George R. Wild, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Camden R. McAtee, It is ordered that David M. Proctor, Jr., Esquire, of Kansas City, State of Missouri, and Andrew Howard, Esquire, of Billings, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John N. Wheelock, It is ordered that George S. Miles, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mariano A. Brana, It is ordered that Simeon Capula, Esquire, of Manila, Commonwealth of the Philippines, and Manuel A. Adeva, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Barrick, It is ordered that Earle B. Henley, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that Dayton M. Harrington, Esquire, of Keokuk, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Lane Crichor, It is ordered that Edwin Kessler, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Gerald Bress, It is ordered that Mark Edwin Andrews, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clay R. Apple, It is ordered that Ralph E. Waldo, Jr., Esquire, of Greeley, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that Helen Robinson, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that Leon L. Dreskin, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry H. Rosenfield, It is ordered that Robert L. Bobrick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Donner, It is ordered that Aubrey Grossman, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norris J. Burke, It is ordered that Clarence Heald Langstaff, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan T. Elliff, It is ordered that Robert R. Rainold, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Reece Harrison, It is ordered that Walter D. Matson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brice Poole, It is ordered that Harry C. Pauly, Esquire, of Missoula, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul D. P. Spearman, It is ordered that James W. Cassedy, Jr., Esquire, of Brookhaven, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent E. Martino, It is ordered that Emerson Richards, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Irwin, It is ordered that Charles C. Loosli, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Payette B. Dow, It is ordered that Mary M. Barker, of Washington, District of Columbia, and Kathryn Casey, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Mrs., Miss)

On motion first made to the Court in this behalf by Mr. A. Lane Crichor, It is ordered that George C. Abernathy, Jr., Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving J. Levy, It is ordered that Loretta I. Bartone, of Washington, District of Columbia, and S. Wallace Kagan, Esquire, of South Fallsburg, State of New York be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John J. O'Brien, It is ordered that John T. Bonner, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al.,

Petitioners,

613 vs.

Harry A. Millis, Individually and as Chairman and Member of the National Labor Relations Board, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Rutledge.

Dissenting: Mr. Justice Roberts.

Elgin, Joliet and Eastern Railway Company, Petitioner,
160 vs.
G. W. Burley, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson join.

The Borden Company, Petitioner,
688 vs.
Joseph Borella, Charles J. Burke, Walter Cross, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Murphy.

Mr. Justice Frankfurter concurs in the result.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

Beatrice L. Goldstone and Eugene L. Bondy, Executors of the Estate of Morris L. Goldstone, Deceased,

Petitioners,

699 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Douglas joins.

The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming, State of Colorado, et al.

Opinion announced apportioning the water of the North Platte River among the parties. The parties may within ninety days submit the form of decree to carry the opinion of the Court into effect. Costs will be apportioned and paid as follows: The State of Colorado, one-fifth; the State of Wyoming, two-fifths; and the State of Nebraska, two-fifths.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

The Lincoln National Life Insurance Company,

Appellant,

833 vs.

Jess G. Read, Insurance Commissioner of the State of Oklahoma, et al.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts.

10 East 40th Street Building, Inc.,

Petitioner,

820 vs.

Charles Callus, Samuel Said, Louis Saggese, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Separate statement by Mr. Chief Justice Stone joining in the opinion of the Court.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Rutledge join.

In re Clyde Wilson Summers, Petitioner. — On writ of certiorari to the Supreme Court of the State of Illinois.

205

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decision or determination of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

State of North Carolina, North Carolina Utilities Commission, Charlotte Shippers and Manufacturers Association, Inc., et al., Appellants, vs. The United States of America, Interstate Commerce Commission, Aberdeen and Rockfish Railroad Co., et al.; and — Appeals from the District Court of the United States for the Eastern District of North Carolina.

560

William H. Davis, Economic Stabilization Director, by Chester Bowles, Price Administrator, Appellants, vs. The United States of America, Interstate Commerce Commission, Aberdeen and Rockfish Railroad Co., et al.

561

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Roberts and Mr. Justice Frankfurter join.

The State of Alabama and Public Service Commission, The State of Tennessee and The Railroad and Public Utilities Commission of the State of Tennessee, Commonwealth of Kentucky, et al.,

Appellants,

574 vs.

The United States of America, Interstate Commerce Commission, et al.; and

Appeals from the District Court of the United States for the Western District of Kentucky.

William H. David, Economic Stabilization Director, by Chester Bowles, Price Administrator,

Appellant,

592 vs.

The United States of America, Interstate Commerce Commission, et al.

THESE CAUSES came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Kentucky and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in these causes be, and the same is hereby, reversed; and that these causes be, and the same are hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter.

Leo M. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada, Local No. 234,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom Watson, Attorney General.

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Opinion by Mr. Chief Justice Stone concurring in part and dissenting in part.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

Wilbur V. Keegan,

Petitioner,

39 vs.

The United States of America; and

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

Gerhard Wilhelm Kunze, August Klapprott, Gustav Elmer, et al.,

Petitioners,

44 vs.

The United States of America.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Concurring opinion by Mr. Justice Black.

Concurring opinion by Mr. Justice Rutledge.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson join.

Alabama State Federation of Labor, Local Union No. 103 United Brotherhood of Carpenters and Joiners of America, et al.,

Petitioners,

588 vs.

Robert A. McAdory, as Solicitor of Jefferson County, Alabama, and Holt McDowell, as Sheriff of Jefferson County, Alabama.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

Congress of Industrial Organizations, an Unincorporated Association, Philip Murray, Individually, etc., et al.,

Petitioners,

855 vs.

Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Charles Jennings,

Petitioner,

vs.

Herbert Smith, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oliver Gobin,

Petitioner,

vs.

Charles B. Clarke.

ON CONSIDERATION of the petition for writ of certiorari submitted by Oliver Gobin,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America and Interstate Commerce Commission,

Appellants,

663 vs.

Capital Transit Company et al.

ON CONSIDERATION of the application of the appellants that the mandate issue forthwith in this case,

IT IS ORDERED by this Court that the mandate issue June 18, next, unless a petition for rehearing is filed on or before June 15 and is not disposed of by the 18th.

Per Mr. Chief Justice Stone.

Automatic Paper Machinery Company, Inc.,

Petitioner,

1097 vs.

Marcalus Manufacturing Company, Inc., et al.

ON CONSIDERATION of the motion to substitute the Scott Paper Company as the party petitioner herein in place of Automatic Paper Machinery Company, Inc.,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

David A. Marmon and Charles Weiss,

Petitioners,

1257 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file an amended petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The motion to extend the time for filing respondent's brief is granted and the time is extended to and including August 15, next.

Per Mr. Chief Justice Stone.

The Northwestern Bands of Shoshone Indians,

Petitioners,

63 vs.

The United States.

ON CONSIDERATION of the motion to recall and amend the mandate of this Court and for other relief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John F. X. Finn, as Trustee of Childs Company,

Petitioner,

953 vs.

Burton C. Meighan, Jr., as substituted trustee, etc.

It is ordered that the sentence on page 2 of the slip opinion which reads, "But Congress has made section 70 applicable to reorganization proceedings under Ch. X" be amended to read as follows: "But Congress has made the forfeiture provision of section 77 applicable to reorganization proceedings under Ch. X."

Per Mr. Chief Justice Stone.

Mine Safety Appliances Company,

Appellant,

1263 vs.

James V. Forrestal, Secretary of the Navy.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. Counsel are requested to discuss in their briefs and on oral argument the questions whether this is a suit against the United States and whether the complaint states a cause of action in equity. The Court does not desire to hear argument upon any other question not passed upon by the District Court.

Per Mr. Chief Justice Stone.

Dorothy Hippert,

Appellant,

1264 vs.

City of Richmond.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America et al.,

Appellants,

1267 vs.

Pierce Auto Freight Lines, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Lillian Boehm,

Petitioner,

1254 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Railroad Retirement Board, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees and George M. Harrison,

Petitioners,

1324 vs.

Duquesne Warehouse Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is consolidated with No. 1338, Duquesne Warehouse Co. vs. Railroad Retirement Board et al. for argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Duquesne Warehouse Company, Petitioner,

1338 vs.

Railroad Retirement Board and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is consolidated with No. 1324, Railroad Retirement Board et al. vs. Duquesne Warehouse Co. for argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Carrie A. Lount, Widow, H. L. Mosher, as Attorney in Fact, Petitioners,

1192 vs.

Halbert H. Hiner, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

I. M. Ward, Petitioner,

1217 vs.

Auctioneers Association of Southern California, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bee Ray and Nathan Forbes, Doing Business as Superior Uniform Cap and Shirt Mfg. Co.,

Petitioners,

1224 vs.

Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Sohmer,

Petitioner,

1239 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. V. Vandenberge, et al., Transferees of Texas Auto Company,

Petitioners,

1247 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

D. M. Carothers, et al., a Co-partnership, Doing Business as Allright Parking System, Limited,

Petitioners,

1258 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the U. S. Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chapman Price Steel Company,

Petitioner,

1265 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In re Francis P. Slattery,

Petitioner.

1170

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wisconsin Alumni Research Foundation,
Petitioner,
1193 vs.
Vitamin Technologists, Inc. and H. P. B. Roessler.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Lohrer,
Petitioner,
1249 vs.
Thomas Nickolopulos.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, It is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

John L. Sheridan, et al.,
Petitioners,
1260 vs.
John R. Evans, et al.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John L. Sheridan, et al., Petitioners,

1260 vs.

John R. Evans, et al.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Greenberg, Petitioner,

1332 vs.

People of the State of New York.

ON CONSIDERATION of the application for a stay of the judgmen herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Greenberg, Petitioner,

1332 vs.

The People of the State of New York.

On petition for writ of certiorari t the Appellate Division of the Suprem Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Division of the Supreme Court of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Glick Brothers Lumber Company,
Max Glick, Oscar Glick, et al.,

Petitioners,

1213 vs.

Chester Bowles, Administrator,
Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for failure to comply with par. 2 of Rule 38 of the rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule.

Per Mr. Chief Justice Stone.

Leslie Williams,

Petitioner,

1038 vs.

Neil Olson, Warden of the Nebraska
State Penitentiary at Lancaster,
Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leslie Williams,

Petitioner,

1038 vs.

Neil Olson, Warden of the Nebraska
State Penitentiary at Lancaster,
Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Woodrow Wilson Clark,

Petitioner,

1178 vs.

The State of Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Woodrow Wilson Clark,

Petitioner,

1178 vs.

The State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard Alfred Palmer,

Petitioner,

1198 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard Alfred Palmer,

Petitioner,

1198 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward R. Mrozik,

Petitioner,

1230 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward R. Mrozik,

Petitioner,

1230 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sylvester Shaw,

Petitioner,

1318 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sylvester Shaw,

Petitioner,

1318 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert De Freitas,

Petitioner,

1319 vs.

Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert De Freitas,

Petitioner,

1319 vs.

Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

1334 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

1334 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Guertler,

Petitioner,

1163 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Peter Guertler,

Petitioner,

1163 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Darragh A. Park, as Chairman, etc.,

Petitioner,

907 vs.

Group of Institutional Investors et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Darragh A. Park, as Chairman, etc.,

Petitioner,

907 vs.

Group of Institutional Investors et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Simon Metrik,

Petitioner,

995 vs.

Fort Tryon Gardens, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

It is further ordered that the cost of printing pages 17-57 of the record in this case be taxed against the respondent.

Per Mr. Chief Justice Stone.

Charles Telfian,

Petitioner,

1185 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R

The Court will take a recess from today until Monday, June 18, next, on which day it will adjourn for the term unless otherwise ordered.

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Proclamation being made the Court is adjourned until Monday, June 18, next, at 10:30 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Bettie Renner, of Washington, District of Columbia, and Harry L. Shniderman, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Bartel J. Jonkman, It is ordered that Fred Roland Allaben, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that William A. Lufburrow, Esquire, of Augusta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Oliver P. Stockwell, Esquire, of Lake Charles, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that D. W. Kilmore, Esquire, of Benton, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that Sherwin T. McDowell, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Gordon C. Locke, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and Frederick P. Larrabee, Esquire, of Ellsworth, State of Maine, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Tom Watson, It is ordered that Lamar Gordon Warren, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Carroll Reece, It is ordered that John A. Armstrong, Esquire, of Greeneville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip F. Dodson, It is ordered that Bernard B. Ettenson, Esquire, of Leavenworth, State of Kansas, and William L. Blanckenburg, Esquire, of Berkeley, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that Anthony M. Ursich, Esquire, of Tacoma, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Grover Sellers, Esquire, of Austin, State of Texas, and Claude A. Rankin, Esquire, of Little Rock, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bertram Wegman, It is ordered that Emanuel H. Reichart, Esquire, of New York, State of New York, and Eli M. Spark, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Marvin Haynes, It is ordered that C. Dudley Pratt, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman Tocker, It is ordered that Robert W. Cauldwell, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Schoen, It is ordered that John A. Anderson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley I. Posner, It is ordered that Eli Louis Cooper, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Bourgon, Jr., It is ordered that George M. Bourgon, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard W. Firestone, It is ordered that Irving Shore, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Asa W. Phillips, Jr., It is ordered that Robert W. McNulty, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Barrett Line, Inc., Appellant,

630 vs.

The United States of America, Interstate Commerce Commission and Mississippi Valley Barge Line Co., et al.

Appeal from the District Court of the United States for the Southern District of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed in part and reversed in part as indicated in the opinion of this Court.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting: The Chief Justice, Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Harry Bridges,

Petitioner,

vs.

I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

788

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

Guaranty Trust Company of New York,

Petitioner,

vs.

Grace W. York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

264

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this

cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Radio Station WOW, Inc. (a Nebraska Corporation), Woodmen of the World Life Insurance Society (a Nebraska Corporation), Dr. E. Bradshaw, et al.,

Petitioners,

593 vs.

Homer H. Johnson.

On writ of certiorari to the Supreme Court of the State of Nebraska.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Black took no part in the consideration or decision of this case.

Mr. Justice Douglas concurs in the result.

Mr. Justice Roberts is of the opinion that the judgment should be affirmed.

Dissenting opinion by Mr. Justice Jackson.

Interstate Commerce Commission, The Willett Company of Indiana, Inc., and The Pennsylvania Railroad Company,

Appellants,

507 vs.

Harry A. Parker, Doing Business as Parker Motor Freight, et al.; and

The United States of America,

Appellant,

508 vs.

Harry A. Parker, Doing Business as Parker Motor Freight, et al.

Appeals from the District Court of the United States for the Southern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Rutledge join.

American Trucking Associations, Inc., Flamingo Truck Lines, Inc., et al.,

Appellants,

558 vs.

The United States of America, Interstate Commerce Commission, Legh R. Powell and Henry W. Anderson, Receivers of The Seaboard Air Line Railway Company.

Appeal from the District Court of the United States for the Eastern District of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge.

Railway Mail Association,
Appellant,
vs.
Edward S. Corsi, as Industrial Commissioner of the State of New York, et al.

Appeal from the Supreme Court of the State of New York, Albany County.

691

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Albany County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court on the remittitur of the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Rutledge concurs in the result.

Concurring opinion by Mr. Justice Frankfurter.

Allen Bradley Company, Allis-Chalmers Manufacturing Company, Clark Controller Company, et al.,

Petitioners,

vs.

Local Union No. 3, International Brotherhood of Electrical Workers, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

702

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for modification and clarification of the judgment and injunction consistent with the opinion of this Court.

Per Mr. Justice Black.

Separate opinion by Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy.

Edward A. Hunt and Robert A. Hunt, Co-partners Trading as Hunt's Motor Freight and Food Products Transport,

Petitioners,

vs.

Edward Crumboch, President, Joseph E. Grace, Secretary-Treasurer, William F. Kelleher, International Vice-President, Business Agent and Trustee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

570

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice Frankfurter and Mr. Justice Jackson join.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice and Mr. Justice Frankfurter join.

The Associated Press, Paul Bellamy, George Francis Booth, et al.,

Appellants,

57 vs.

The United States of America;

Tribune Company and Robert Rutherford McCormick,

Appellants,

58 vs.

The United States of America; and

The United States of America,

Appellant,

59 vs.

The Associated Press, Paul Bellamy, George Francis Booth, et al.

Appeals from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

In No. 59 all the sitting Justices concur. In Nos. 57 and 58 Mr. Justice Reed, Mr. Justice Douglas and Mr. Justice Rutledge concur. Mr. Justice

Frankfurter concurs in that part of the opinion which discusses the District Court's decree but concurs in the judgment of affirmance in a separate opinion.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Dissenting opinion by Mr. Justice Murphy.

Southern Pacific Company,

Appellant,

vs.

State of Arizona, ex rel. Joe Conway, Attorney General of the State of Arizona.

Appeal from the Supreme Court of the State of Arizona.

56

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge concurs in the result.

Dissenting opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice Douglas.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Ashland Coal and Ice Company, Inc., et al.,

Appellants,

1287 vs.

The United States of America, Interstate Commerce Commission and Atlantic Coast Line Railroad Company, et al.

Appeal from the District Court of the United States for the Eastern District of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Virginia, and on motions to affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motions to affirm the decree of the District Court be, and the same are hereby, granted.

IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Samuel Okin,

Petitioner,

1245 vs.

Securities and Exchange Commission.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation submitted by the United Gas Corporation, Electric Power & Light Corporation and Electric Bond and Share Company,

IT IS ORDERED by this Court that the said motion for certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Samuel Okin,

Petitioner,

1245 vs.

Securities and Exchange Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether that part of the Commission's order which licensed Electric Bond and Share Company's use of the proceeds derived from the plan of reorganization can be reviewed only under section 24 (a) of the Public Utility Holding Company Act.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Samuel Okin,

Petitioner,

1245 vs.

Securities and Exchange Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for consideration of the question whether that part of the Securities and Exchange Commission's order which licensed Electric Bond and Share Company's use of the proceeds derived from the plan of reorganization can be reviewed only under section 24 (a) of the Public Utility Holding Company Act.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Bernard Paul Coy,

Petitioner,

1383 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Bernard Paul Coy,

Petitioner,

_____ vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein under Section 262 of the Judicial Code,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Bernard Paul Coy,

Petitioner,

1383 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals in order that it may make appropriate disposition of the appeal allowed by the District Court as indicated in the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Bernard Paul Coy, Order allowing certiorari.

Petitioner,

1383 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

E. Haydon Bozell,

Petitioner,

_____ vs.

Francis Biddle et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Ex parte William M. Lee,

Petitioner.

_____.

ON CONSIDERATION of the application submitted herein by William M. Lee,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Daisy Tegtmeyer,

Petitioner,

_____ vs.

William H. Tegtmeyer.

ON CONSIDERATION of the application submitted herein by Daisy Tegtmeyer,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Richard E. Blood,

Petitioner,

_____ vs.

State of Rhode Island.

ON CONSIDERATION of the application submitted herein by Richard E. Blood,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Herman Kennedy,

Petitioner,

vs.

Percy A. Lainson, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

The State of Nebraska,

Complainant,

6, Original vs.

The State of Wyoming, The State of Colorado, et al.

ORDER

On consideration of the statement of the Special Master,

IT IS ORDERED that Michael J. Doherty, Esquire, of Saint Paul, Minnesota, be and he hereby is, awarded the sum of $15,000 as compensation for his services as Special Master in this cause, and that his disbursements totaling $4,368.51 be allowed, and

IT IS FURTHER ORDERED that the compensation awarded to the Special Master herein shall be paid by the parties in the following proportions: The State of Nebraska, $15,000; The State of Wyoming, $15,000; The State of Colorado, $5,000 and The United States, $10,000. The disbursements of the Special Master allowed herein shall be borne in equal shares by the States of Nebraska, Wyoming and Colorado and The United States.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

The State of Georgia,

Complainant,

11, Original vs.

The Pennsylvania Railroad Co. et al.

The motions of the several defendants for a Bill of Particulars are granted with respect to all of the matters as specified in the paragraphs of the motion of the Northern defendants, as follows:

Paragraphs I; III; IV, to and including the words "so dominated and coerced by other defendants"; XIII, to and including the words "from the ports of Georgia"; XIV, to and including the words "whether they include commodity rates"; XX, to and including the words "in official territory"; and XXIV. In all other respects, the motions are denied.

The Bill of Particulars is to be served upon counsel for the defendants and to be filed with the clerk of this Court on or before August 15, next. Defendants' time to answer the Bill of Complaint is extended to and including October 1, next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Beatrice L. Goldstone and Eugene L. Bondy, Executors of the Estate of Morris L. Goldstone, Deceased, Petitioners,	)	On Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circu
699 vs.	)	
The United States of America.	)	

It is ordered that footnote 2 on page 2 of the slip opinion be amended to read as follows:

> "The judgment below is stated by the United States to be inconsistent with the result reached in Lloyd's Estate v. Commissioner, 141 F. 2d 758 (C.C.A. 3) and to be in harmony with Bailey v. United States, 31 F. Supp. 778 (Ct. Cls.). The United States also claims that the result below is inconsistent with the same court's prior affirmance of Estate of Ballard v. Commissioner, 47 B.T.A. 784, affirmed, 138 F. 2d 512 (C.C.A. 2). In view of the manner of our disposition of the instant case, however, we have no occasion to determine whether these asserted conflicts exist or whether the decision here necessarily controls the factual situations presented in these other cases."

It is further ordered that the last sentence of footnote 3 on page 4 of the slip opinion which reads "Hence the estate tax liability

attached to the decedent's possession of that power at the moment of her death" be deleted and the following substituted in its place: "The fact that the power of appointment might have been destroyed prior to the decedent's death did not prevent the imposition of the estate tax. The decedent's death was still the decisive factor which enlarged and matured the interests of the daughters."

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Henry Hawk,

Petitioner,

825 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, etc.

O R D E R

It is ordered that Joseph A. Fanelli, Esquire, of Washington, D. C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Gath P. Freeman, trustee, etc.,

Appellant,

40 vs.

Gilbert K. Hewit, Director, etc.; and

State of New York and Saratoga Springs Commission et al.,

Petitioners,

83 vs.

The United States of America.

These cases are ordered restored to the docket and assigned for reargument.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

United Brotherhood of Carpenters and Joiners of America,

Petitioner,

666 vs.

The United States of America;

The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al.,

Petitioners,

667 vs.

The United States of America;

Lumber Products Association, Inc., et al.,

Petitioners,

668 vs.

The United States of America;

Alameda County Building and Construction Trades Council,

Petitioner,

674 vs.

The United States of America; and

Boorman Lumber Company et al.,

Petitioners,

675 vs.

The United States of America.

These cases are ordered restored to the docket and assigned for reargument. Counsel are requested to discuss in their briefs and upon oral argument the following questions:

(1) The scope of Section 6 of the Norris-LaGuardia Act in relation to prosecutions under the Antitrust Act.

(2) The scope of Section 6 in relationship to Section 13 (b).

(3) The scope of the words "association or organization" appearing in Section 6, in that section's relationship to Section 13 (b).

(4) Consideration of the Court's oral charge and written charges requested and refused involving Section 6, in the light of objections and exceptions by each and all of the defendants and the state of the evidence on that issue as to each of them.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Mine Safety Appliances Company,

Appellant,

1263 vs.

James V. Forrestal, Secretary of the Navy.

O R D E R

Counsel will be free to discuss in their briefs and upon oral argument the failure of appellant to proceed before the Tax Court as provided in section 403 (e) of the Renegotiation Act of 1942 as amended, 50 U.S.C. app., Supp. IV, sec. 1191 (e).

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Glick Brothers Lumber Company et al.,

Petitioners,

1213 vs.

Chester Bowles, Administrator, etc.

ON CONSIDERATION of the motion to stay further proceedings in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Bee Ray and Nathan Forbes, Doing Business as Superior Uniform Cap and Shirt Mfg. Co.,

Petitioners,

1224 vs.

Chester Bowles, Administrator, etc.

ON CONSIDERATION of the motion to stay further proceedings in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Louis Stockstrom,

Petitioner,

1326 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the application to extend the time within which to file respondent's brief in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including September 10, next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Champlin Refining Company,

Appellant,

1269 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration of this question.

International Shoe Company,

Appellant,

1345 vs.

State of Washington, Office of Unemployment Compensation and Placement, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket. The Court does not care to hear argument on the question whether the statutes attacked place an undue burden on interstate commerce.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration of this question.

The United States of America, Order allowing certiorari.

Petitioner,

1272 vs.

Petty Motor Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Petitioner,

1273 vs.

Merrill J. Brockbank, Doing Business as Brockbank Apparel Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Petitioner,

1274 vs.

William G. Grimsdell, Doing Business as Grocer Printing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

1275 vs.

Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

1276 vs.

Independent Pneumatic Tool Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

1277 vs.

The Galigher Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The United States of America, Petitioner, vs. Gray-Cannon Lumber Company. 1278 — Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Order of Railway Conductors of America, H. W. Fraser, President Thereof, et al., Petitioners, vs. Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Co. of New Jersey, et al. 952 — Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The Roland Electrical Company, Order allowing certiorari.

Petitioner,

1033 vs.

L. Metcalfe Walling, Administrator
of the Wage and Hour Division,
Department of Labor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Thomas Martino, Order allowing certiorari.

Petitioner,

849 vs.

Michigan Window Cleaning Company.

The order entered February 26, 1945, denying certiorari herein is vacated and the petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. The case is assigned for argument immediately following No. 1033, Roland Electrical Co. vs. Walling.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Anna M. Boutell and Carroll M. Boutell, Doing Business as F. J. Boutell Service Company,

Petitioners,

1266 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 849, Martino vs. Michigan Window Cleaning Company.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Lyle E. Reilly, George A. Breibert, Fred J. Bauer, et al.,

Petitioners,

884 vs.

Harry A. Millis, Individually and as Chairman of the National Labor Relations Board.

On petition for writ of certio to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

D. and W. Lines, Inc., Petitioner,

1241 vs.

Lillian E. Garfield, Administratrix of the Goods and Estate of Lillian E. Baker.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

D. and W. Lines, Inc., Petitioner,

1242 vs.

John E. Baker.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

D. and W. Lines, Inc., Petitioner,

1243 vs.

Doris M. Ward.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Ward Holt,

Petitioner,

1261 vs.

Texas-New Mexico Pipeline Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Robert L. Emery, et al.,

Petitioner,

1279 vs.

Orleans Levee Board.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Mary Vielle Lukin, Mary Lukin, Administratrix of the Estate of John Vielle, Deceased, et al.,

Petitioners,

1280 vs.

Frank L. Chatterton.

On petition for writ of certiorari to the Supreme Court of the State of Montana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Montana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Grace B. Martin and Celia King,

Petitioners,

1281 vs.

Marian Schillo, Adele Schillo and Dorothy S. Fisher.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Jerry Vogel Music Co., Inc.,

Petitioner,

1283 vs.

Forster Music Publishers, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Edna F. Stonesifer and Joseph N. Stonesifer, Her Husband,

Petitioners,

1284 vs.

Carl J. Swanson, et al., Individually, and as Executors of the Last Will and Testament of Lillian F. Swanson, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Wisconsin Public Service Corporation, Petitioner, vs. Federal Power Commission. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1286

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

State of Wisconsin, Petitioner, vs. Federal Power Commission. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1297

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

United States, ex rel. Jack Wolf Zucker, Petitioner, vs. Winslow Osborne, Director, Civilian Public Service Camp Number 46, Big Flats, New York. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1289

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Frank Roberts, Petitioner, vs. The United States of America. 1291

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Clarion Oil Company, Petitioner, vs. Commissioner of Internal Revenue. 1295

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Commissioner of Internal Revenue, Petitioner, vs. Clarion Oil Company. 1371

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

William A. Warehime, d.b.a. Nezon Milk Food Company, et al.,

Petitioners,

1296 vs.

H. H. Varney, Milk Market Agent, War Food Administration, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Estate of William Douglas Chew, Jr., Carrie Cole Chew, Mother and Sole Heir,

Petitioner,

1298 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

M/V "Julius H. Barnes" Erie & St. Lawrence Corporation,

Petitioner,

1299 vs.

Tug "Calatco No. 2" and Canal Lakes Towing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Erie & St. Lawrence Corporation, Owner of the M/V "Julius H. Barnes",

Petitioner,

1300 vs.

Tug "Calatco No. 2" and Canal Lakes Towing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Eline's, Inc.,

Petitioner,

1302 vs.

Gaylord Container Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Eline's, Inc.,

Petitioner,

1303 vs.

Lakeside Laboratories, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Humble Oil & Refining Company,
Petitioner,
1306 vs.
Eighth Regional War Labor Board, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

John A. Wathen Distillery Company,
Petitioner,
1312 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Richard Adolph Ascher,
Petitioner,
1314 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Abram W. Fournace,

Petitioner,

1285 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

The Commonwealth of Massachusetts, The City of Boston, et al.,

Petitioners,

1315 vs.

The New York, New Haven and Hartford Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Homer N. Chapin, et al., as Executive Committee for Institutional Group for Boston Terminal Bonds,

Petitioners,

1316 vs.

New York, New Haven and Hartford Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Sam Millard,

Petitioner,

1320 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

John E. Savage and The Lorraine Corporation,

Petitioners,

1327 vs.

David C. Lorraine and L. F. Baash, Receiver.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Bruno Albert Frederick Heine,

Petitioner,

1331 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Joel O. Randall,

Petitioner,

1342 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Everett M. Bratcher,

Petitioner,

1369 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Joseph Di Melia,

Petitioner,

1374 vs.

Chester Bowles, Price Administrator, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Charles A. Hottenstein, Carl Schmoyer and Andrew Pekety,

Petitioners,

1282 vs.

York Ice Machinery Corporation.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Charles A. Hottenstein, Carl Schmoyer and Andrew Pekety,

Petitioners,

1282 vs.

York Ice Machinery Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Jones & Laughlin Steel Corporation,

Petitioner,

1294 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this application.

John J. Spriggs,

Petitioner,

1270 vs.

The State Board of Law Examiners.

ON CONSIDERATION of the application for a stay of the judgment in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

John J. Spriggs,

Petitioner,

1270 vs.

The State Board of Law Examiners.

On petition for writ of certiorari to the Supreme Court of the State of Wyoming.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wyoming, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Louis David Young,

Petitioner,

1199 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Louis David Young,

Petitioner,

1199 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Louis Burall,

Petitioner,

1209 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Louis Burall,

Petitioner,

1209 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Basil Banghart,

Petitioner,

1212 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Basil Banghart,

Petitioner,

1212 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Lyman Glover Coffin,

Petitioner,

1228 vs.

Dr. John D. Reichard.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Lyman Glover Coffin,

Petitioner,

1228 vs.

Dr. John D. Reichard.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Maxwell P. Oxman,

Petitioner,

1244 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Maxwell P. Oxman,

Petitioner,

1244 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Joseph Coghlan,

Petitioner,

1250 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Joseph Coghlan,

Petitioner,

1250 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Vernice G. Davis,

Petitioner,

1253 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Vernice G. Davis,

Petitioner,

1253 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Robert Noble,

Petitioner,

1288 vs.

C. O. Botkin, Superintendent of Washington Asylum and Jail.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Robert Noble,

1288 Petitioner,

C. O. Botkin, Superintendent of Washington Asylum and Jail.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

James Nevils Williams,

Petitioner,

1292 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

James Nevils Williams,

Petitioner,

1292 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Huey H. Lee, Jr.,

Petitioner,

1301 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Huey H. Lee, Jr., Petitioner, vs. State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama.

1301

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Cecil A. Diggs, Petitioner, vs. E. J. Welch, Superintendent, D. C. Reformatory.

1304

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Cecil A. Diggs, Petitioner, vs. E. J. Welch, Superintendent, D. C. Reformatory. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

1304

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Floyd Dunbar,

Petitioner,

1311 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Floyd Dunbar,

Petitioner,

1311 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Carl Woodward,

Petitioner,

1340 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Carl Woodward,

Petitioner,

1340 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

George White Thunder,

Petitioner,

1341 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

George White Thunder,

Petitioner,

1341 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

J. Ralph De Marcos,

Petitioner,

1353 vs.

Dr. Winfred Overholser, Superintendent,
St. Elizabeth's Hospital.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

J. Ralph De Marcos,

Petitioner,

1353 vs.

Dr. Winfred Overholser, Superintendent,
St. Elizabeth's Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Howard O. Bonham,

Petitioner,

1356 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Howard O. Bonham, Petitioner,

1356 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Leo Bailey, Petitioner,

1358 vs.

State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Leo Bailey, Petitioner,

1358 vs.

State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Ernest F. Dorsey, Jr.,

Petitioner,

1363 vs.

Howard B. Gill, General Superintendent,
D. C. Penal Institutions.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Ernest F. Dorsey, Jr., Petitioner, 1363 vs. Howard B. Gill, General Superintendent, D. C. Penal Institutions.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Stephen J. Nichols,

Petitioner,

1370 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Stephen J. Nichols,

Petitioner,

1370 vs.

Walter Wierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Elmer Swanson,

Petitioner,

1378 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Elmer Swanson,

Petitioner,

1378 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Eddie Stewart,

Petitioner,

1368 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Eddie Stewart,

Petitioner,

1368 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Ex parte Eddie Stewart,

Petitioner.

_____.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

George Roscoe,

Petitioner,

1377 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

George Roscoe,

Petitioner,

1377 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Leo M. Mill et al.,

Petitioners,

811 vs.

State of Florida, ex rel. J. Tom Watson, Attorney General.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including August 1, next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of

Cecil Snow,

Petitioner,

vs.

James A. Johnston, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

84 vs.

The State of North Carolina.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Angelus Milling Company,

Petitioner,

610 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Mollie Moore,

Petitioner,

1151 vs.

Mrs. M. G. Bailey.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

David Fisher,

Petitioner,

1160 vs.

Jack L. Medwedeff, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Georgia M. Spruill,

Petitioner,

1162 vs.

William T. Ballard, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Minola Tamesa,

Petitioner,

1210 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chase Securities Corporation, Now Known as Amerex Holding Corporation,

Appellant,

110 vs.

Frank A. Donaldson et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ambassador, Inc., et al.,

Appellants,

446 vs.

The United States of America et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Douglas took no part in the consideration or decision of this application.

Clara I. Mays,

Petitioner,

1208 vs.

William F. Burgess, Frances E. Burgess, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this application.

Leo Awotin,

Petitioner,

661, October Term, 1934 vs.

Atlas Exchange National Bank of Chicago.

ON CONSIDERATION of the petition to set aside the judgment in this case and for other relief,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this petition.

Precision Instrument Manufacturing Company et al.,

Petitioners,

377 vs.

Automotive Maintenance Machinery Company.

ON CONSIDERATION of the petition for clarification of the opinion in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this petition.

The United States of America et al.,

Appellants,

663 vs.

Capital Transit Company et al.

The petitions for rehearing and petition for modification of the opinion having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petitions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of these petitions.

American Power & Light Company,

Petitioner,

470 vs.

Securities and Exchange Commission; and

Securities and Exchange Commission,

Petitioner,

815 vs.

Samuel Okin.

It is ordered that the word "typewritten", appearing in the ninth line of the final paragraph of the Court's opinion, be stricken, and the word "full" substituted therefor; and that the following sentence be added to said paragraph: "The Court below has discretion to deal with the problem of the necessity of a record, and the extent thereof, in connection with a motion to dismiss or affirm on the ground that the petition for review is frivolous."

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Securities and Exchange Commission,

Petitioner,

815 vs.

Samuel Okin.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Superior Coal Company,

Petitioner,

950 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby denied for want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Jewell Ridge Coal Corporation,

Petitioner,

721 vs.

Local No. 6167, United Mine Workers of America, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter concurs.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Estate of John S. Garrett, Jr.,
Deceased, Bankrupt, by Louise A.
Nelson Garrett, etc.,

Petitioner,

467 vs.

Reynold H. Greenberg, Trustee of Estate
of John S. Garrett, Jr., Deceased, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Estate of John S. Garrett, Jr.,
Deceased, Bankrupt, by Louise A.
Nelson Garrett, etc.,

Petitioner,

467 vs.

Reynold H. Greenberg, Trustee, etc.,
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

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Mr. Justice Roberts took no part in the consideration or decision of the cases in which orders are this day announced.

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The Chief Justice announced the following order:

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they hereby are, continued to the next term."

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Proclamation being made the Court is adjourned to the time and place appointed by law.

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At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday in October (being the 1st day of the same month) in the year of our Lord one thousand, nine hundred and forty-five and of the independence of the United States the one hundred and seventieth, The Supreme Court of the United States met agreeably to law.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Donnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Charles Edwin Congdon, Esquire, of Salamanca, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Wiley Johnson, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leverett Saltonstall, It is ordered that Thomas J. Lane, Esquire, of Lawrence, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion T. Bennett, It is ordered that Robert D. Durst, Esquire, of Springfield, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that Joseph Irion Worsham, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Harlan E. Orr, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Kimbel, It is ordered that Walter E. Lorence, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brooks Hays, It is ordered that Richard C. Butler, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Sparkman, It is ordered that Charles A. Poellnitz, Esquire, of Florence, State of Alabama, and John Lincoln Rowland, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion T. Bennett, It is ordered that William A. Moon, Esquire, of Springfield, State of Missouri, and Parker Fred Moon, Esquire, of Springfield, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Tolan, It is ordered that Sydney Peter Murphy, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Barry, It is ordered that Frederick William Appell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Cecelia M. Thornton, It is ordered that Sarah Catherine Moriarty, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Norman C. Burnworth, Esquire, of Indianapolis, State of Indiana, and Kenneth E. Cermill, Esquire, of Spokane, State of Washington, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix E. Alley, It is ordered that Felix Eugene Alley, Jr., Esquire, of Waynesville, State of North Carolina; John Hayes Alley, Esquire, of Waynesville, State of North Carolina; and Robert Cline Alley, Esquire, of Waynesville, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert G. Muller, It is ordered that Louis F. Huttenlocher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Laylin, It is ordered that John Parks Davis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sol Rothbard, It is ordered that Jess S. Haban, Esquire, of Chicago, State of Illinois; Nathan Mobey, Esquire, of Washington, District of Columbia; and Raymond Cittelman, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Hugh Sproul, It is ordered that Charles B. Seton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roland Rice, It is ordered that Samuel W. Marnshaw, Esquire, of Norwalk, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin J. Morrell, It is ordered that Thomas A. Hackett, Esquire, of Huntington, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice H. Matzkin, It is ordered that Harold Leon Winston, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus Gilbert Poole, It is ordered that Wade H. Ellis, Esquire, of Alliance, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert B. Chipman, It is ordered that Charles E. Carlsen, Jr., Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel Convisser, It is ordered that William A. Plank, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that Henry W. Kellner, Esquire, of Cliffside Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. G. Reuschlein, It is ordered that Dee C. Blythe, Esquire, of Clovis, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Blackburn Barton, It is ordered that Perdon M. Bell, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Guyton P. McCord, Jr., Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Krieg, It is ordered that Andrew J. Newhouse, Esquire, of Coos Bay, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that John De Courcy, Esquire, of Hamilton, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Powell, It is ordered that Campbell Pilcher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Shields, It is ordered that Ruth Rouss, of Colorado Springs, State of Colorado, and Dennis O'Rourke, Esquire, of Colorado Springs, State of Colorado, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard J. Connor, It is ordered that William A. Jacobs, Esquire, of Meriden, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Steuart Henderson Britt, It is ordered that William A. Furman, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"With deep regret I announce the resignation of Mr. Justice Roberts as an Associate Justice of this Court. His resignation, tendered to the President last July, after the adjournment of the Court for the term, took effect on July 31 last. Appointed by President Hoover, Justice Roberts took his seat on the Bench on June 2, 1930. His term of office as a Justice of this Court thus extended over a period of fifteen years. During that period he has given to the Court and to the Nation the benefit of his great skill and wide knowledge, gained through years of assiduous study and practice of the law. He has faithfully discharged the heavy responsibility which rests on a Justice of this Court with promptness and dispatch, and with untiring energy. We who have shared with him that responsibility and

in the common endeavor to make the law realize the ideal of justice among men, give to him the assurance of our continued good will and friendly regard. We wish for him in his retirement good health, abiding strength, and with them the full enjoyment of those satisfactions which will come from the continued devotion of his knowledge and skill to worthy achievement.

"The President, with the advice and consent of the Senate, has appointed the Honorable Harold H. Burton, Senator from Ohio, an Associate Justice of this Court to succeed Justice Roberts. Justice Burton has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the Bench."

The Clerk then read the commission as follows:

"HARRY S. TRUMAN

"PRESIDENT OF THE UNITED STATES OF AMERICA

"To All Who Shall See These Presents, Greeting:

"KNOW YE: That reposing special trust and confidence in the wisdom, uprightness, and learning of Harold H. Burton, of Ohio, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said Harold H. Burton, during his good behavior.

"IN TESTIMONY WHEREOF, I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the city of Washington this twenty-second day of September in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

"HARRY S. TRUMAN.

"By the President:
"TOM C. CLARK,
"Attorney General."

The oath of office was then administered by the Clerk, and Mr. Justice Burton was escorted by the Marshal to his seat upon the Bench.

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Mr. Assistant to the Attorney General McGranery presented the Honorable Tom C. Clark, of Texas, Attorney General of the United States.

The Chief Justice said:

"Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your commission will be recorded by the Clerk."

Which said commission is in the following words and figures, viz:

"HARRY S. TRUMAN

President of the United States of America,

To all who shall see these presents, Greeting:

KNOW YE, that reposing special trust and confidence in the Patriotism, Integrity and Abilities of TOM C. CLARK, of Texas, I have nominated, and, by and with the advice and consent of the Senate, do appoint him ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said TOM C. CLARK, during the pleasure of the President of the United States, for the time being.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this fifteenth day of June, in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America the one hundred and sixty-ninth.

S E A L

HARRY S. TRUMAN

By the President:
JOSEPH C. GREW
Acting Secretary of State."

*Which said oaths were in the words and figures follow

"SUPREME COURT OF THE UNITED STATES

October Term, 1945.

"I, HAROLD H. BURTON, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

HAROLD H. BURTON

Subscribed and sworn to before
me this first day of October,
A. D., 1945.

HARLAN F. STONE

Chief Justice of the United States."

"SUPREME COURT OF THE UNITED STATES

October Term, 1945.

I, HAROLD H. BURTON, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

HAROLD H. BURTON

S E A L

Subscribed and sworn to before
me this first day of October,
A. D., 1945.

CHARLES ELMORE CROPLEY

Clerk of the Supreme Court of the United States."

Mr. Assistant to the Attorney General McGranery presented the Honorable Harold William Judson, of California, Assistant and Acting Solicit General of the United States.

The Chief Justice said:

"Mr. Solicitor General, we welcome you as the officer of the Court specially charged with the duty of representing the Government at the Bar of this Court in all cases brought to it for adjudication in which the Government asserts an interest. Your commission will be recorded by the Clerk."

Which said commission is in the following words and figures, viz:

"HARRY S. TRUMAN

President of the United States of America,

To all who shall see these presents, Greeting:

KNOW YE, that reposing special trust and confidence in the Wisdom, Uprightness, and Learning of HAROLD WILLIAM JUDSON, of California, I have nominated, and, by and with the advice and consent of the Senate, do appoint him ASSISTANT SOLICITOR GENERAL and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said HAROLD WILLIAM JUDSON, during the pleasure of the President.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Done at the City of Washington this twenty-eighth day of July, in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

S E A L

HARRY S. TRUMAN

By the President:
TOM C. CLARK
Attorney General."

Hugh Callan,

Petitioner,

201 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

IT APPEARING to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Charles Jennings,

Petitioner,

315 vs.

Herbert Smith, Warden, Eastern State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

IT APPEARING to the Court that petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Proclamation being made the Court is adjourned until Monday, October 8, next,

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

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Mr. Attorney General Clark presented the Honorable J. Howard McGrath of Rhode Island, Solicitor General of the United States, and moved his admission to the Bar.

The Chief Justice said:

"Mr. Solicitor General, we welcome you as the officer of the Cou specially charged with the duty of representing the Government at the Bar of this Court in all cases brought to it for adjudication in which the Government asserts an interest. Your commission will be recorded by the Clerk. Will you please go to the Clerk's desk and take the oath."

Which said commission is in the following words and figures, viz

"HARRY S. TRUMAN

President of the United States of America,

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of J. Howard McGrath, of Rhode Island, I have nominated, and, by and with the advice and consent of the Senate, do appoint him SOLICITOR GENERAL and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said J. Howard McGrath, during the pleasure of the President.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Done at the City of Washington this fifth day of October, in the year of our Lord one thousand nine hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

S E A L

By the President: HARRY S. TRUMAN

TOM C. CLARK
Attorney General."

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On motion first made to the Court in this behalf by Mr. Attorney General Tom C. Clark, It is ordered that J. Howard McGrath, Esquire, of Providence, State of Rhode Island, and Paul V. McNutt, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Millikin, It is ordered that Richard Earle Davis, Esquire, of Morgantown, State of West Virginia, be admitted to practice as an Attorney and Counsell of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Griffiths, It is ordered that George McClellan Henry, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie C. Garnett, It is ordered that E. Sclater Montague, Esquire, of Hampton, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jay Kyle, It is ordered that James S. Lester, Esquire, of Oskaloosa, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude Donald Shaw, Jr., It is ordered that Julian Eugene Cook, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Robert W. Kolloy, Esquire, of Grand Rapids, State of Michigan; Oscar J. Keep, Esquire, of Miami, State of Florida; and W. C. Lantaff, Esquire, of Miami, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Frank J. Link, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Wendell R. Mangis, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Briggs, It is ordered that David W. Dyer, Esquire, of Miami, State of Florida, and Fred O. Burkhalter, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stuart Knowlton Barnes, It is ordered that Claude T. Barnes, Esquire, of Salt Lake City, State of Utah, and Edwin D. Hatch, Esquire, of Salt Lake City, State of Utah, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel D. Carmell, It is ordered that Leon A. Cousens, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Paley, It is ordered that Jacob Rosenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James L. Walter, It is ordered that Julian C. Tepper, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ross, It is ordered that Eugene L. Lora, Esquire, of Union City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon W. Daisley, It is ordered that Elliott G. Flowers, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B Barton, It is ordered that Richard H. Meigs, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee Gilmour Paul, It is ordered that Carol C. Wynn, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Wolf, It is ordered that Julius F. Tuchler, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Gorfinkel, It is ordered that Morris Lowenthal, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kelly Kash, It is ordered that Nathan L. Silberberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Miller Kidner, It is ordered that Herbert H. McCampbell, Jr., Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel Partridge, III, It is ordered that John H. Davidson, Esquire, of Washington, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Casper William Ooms, It is ordered that Victor E. LaRue, Esquire, of Chicago, State of Illinois, and Eugene A. Tappy, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Chief Justice announced the following orders of the Court:

Robert W. Johnson, Thelma B. Johnson, P. A. McIntosh, et al.,

Appellants,

141 vs.

Meagher County, a Political Subdivision of the State of Montana, and Emmett Cox, Treasurer.

Appeal from the Supreme Court of the State of Montana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Robert W. Johnson, Thelma B. Johnson, P. A. McIntosh, et al.,

Appellants,

141 vs.

Meagher County, a Political Subdivision of the State of Montana, and Emmett Cox, Treasurer.

Appeal from the Supreme Court of the State of Montana.

TREATING the appeal papers herein from the Supreme Court of the State of Montana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

St. Louis Amusement Company, St. Louis Ambassador Theatre, Inc., Eden Theatre Company, et al.,

Appellants,

144 vs.

The United States of America, Paramount Pictures, Inc., et al.

Appeal from the District Court of the United States for the Southern District of New York

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and on motions to dismiss, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to dismiss the appeal herein be, and the same are hereby, granted.

It is further ordered that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Carolina Scenic Coach Lines, a Co-partnership,

Appellant,

178 vs.

The United States of America, Interstate Commerce Commission and Smoky Mountain Stages, Inc.

Appeal from the District Court of the United States for the Western District of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of North Carolina, and on motions to affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to affirm the decree of the District Court be, and the same are hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Deaton Truck Line, Inc.,

Appellant,

215 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Frank A. Bemis,

Appellant,

225 vs.

Humble Oil & Refining Company, Humble Pipe Line Company, S. E. Douthit, et al.

Appeal from the Court of Civil Appeals of the State of Texas, First Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Frank A. Bemis,

Appellant,

225 vs.

Humble Oil & Refining Company, Humble Pipe Line Company, S. E. Douthit, et al.

Appeal from the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District.

TREATING the appeal papers herein from the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Arthur Strobel,

Appellant,

267 vs.

Michael F. Mulcahy, Sheriff of Cook County, Illinois.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Arthur Strobel,

Appellant,

Appeal from the Supreme Court of the State of Illinois.

267 vs.

Michael F. Mulcahy, Sheriff of Cook County, Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Arthur Strobel,

Appellant,

Appeal from the Supreme Court of the State of Illinois.

267 vs.

Michael F. Mulcahy, Sheriff of Cook County, Illinois.

Treating the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

On consideration whereof, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Delavan Home and Land Company, Inc., Appellant, vs. County of Erie, State of New York. — Appeal from the Supreme Court of State of New York, Erie County.

284

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Erie County, and was dul submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

H. L. Mosher, Appellant, vs. W. R. Wayland, Jane Wayland and F. I. Stafford, Deceased, et al. — Appeal from the Supreme Court of State of Arizona.

341

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Madison Avenue Offices, Inc., Appellant, vs. Rollin Browne, et al., Constituting the State Tax Commission of the State of New York. — Appeal from the Supreme Court of the State of New York, Albany County.

368

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Albany County, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Donald MacDonald, et al., as Executors of the Estate of Mabel MacDonald, Deceased,

Appellants,

vs.

Rollin Browne, et al., Constituting the State Tax Commission of the State of New York.

Appeal from the Supreme Court of the State of New York, Albany County.

369

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Albany County, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

American Stores Dairy Company,

Appellant,

vs.

Wisconsin Department of Taxation.

Appeal from the Supreme Court of the State of Wisconsin.

386

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

Walter B. Atkins, Petitioner, vs. Ethel W. Atkins. On writ of certiorari to the Supreme Court of the State of Illinois.

8

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, vacated without costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court in order to enable it to re-examine its decision in the light of Williams v. North Carolina, No. 84, October Term, 1944 (decided May 21, 1945), and Esenwein v. Commonwealth ex rel. Esenwein, No. 20, October Term, 1944 (decided May 21, 1945); Busey v. District of Columbia, 319 U.S. 579, 580; New York, ex rel. Whitman v. Wilso 318 U.S. 688, 690-691, and cases cited; State Tax Commission v. Van Cott, 306 U.S. 511, 515-516.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally

SUPREME COURT OF THE UNITED STATES.

No. 6, Original.—October Term, 1945.

The State of Nebraska, Complainant,
vs.
The State of Wyoming, Defendant, and the State of Colorado, Impleaded Defendant, The United States of America, Intervenor.
In Equity.

[October 8, 1945.]

This cause having been heretofore submitted on the report of the Special Master and the exceptions of the parties thereto, and the Court being now fully advised in the premises:

It is ordered, adjudged and decreed that:

I. The State of Colorado, its officers, attorneys, agents and employees, be and they are hereby severally enjoined

(a) From diverting or permitting the diversion of water from the North Platte River and its tributaries for the irrigation of more than a total of 135,000 acres of land in Jackson County, Colorado, during any one irrigation season;

(b) From storing or permitting the storage of more than a total amount of 17,000 acre feet of water for irrigation purposes from the North Platte River and its tributaries in Jackson County, Colorado, between October 1 of any year and September 30 of the following year;

(c) From exporting out of the basin of the North Platte River and its tributaries in Jackson County, Colorado, to any other stream basin or basins more than 60,000 acre feet of water in any period of ten consecutive years reckoned in continuing progressive series beginning with October 1, 1945.

II. Exclusive of the Kendrick Project and Seminoe Reservoir the State of Wyoming, its officers, attorneys, agents and employees, be and they are hereby severally enjoined

(a) From diverting or permitting the diversion of water from the North Platte River above the Guernsey Reservoir and from the tributaries entering the North Platte River above the Pathfinder Dam for the irrigation of more than a total of 168,000 acres of land in Wyoming during any one irrigation season.

(b) From storing or permitting the storage of more than a total amount of 18,000 acre feet of water for irrigation purposes from the North Platte River and its tributaries above

The State of Kansas,

Complainant,

8, Original vs.

The State of Missouri.

Upon consideration of the stipulation of counsel it is ordered that the time for marking the boundary be extended until the further order of the Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration of this order.

The State of Illinois,

Complainant,

9, Original vs.

The State of Indiana, et al.

The answers of the several defendants to the amended bill are received and ordered filed.

Per Mr. Chief Justice Stone.

The State of Georgia,

Complainant,

11, Original vs.

The Pennsylvania Railroad Company et al.

The bill of particulars of the State of Georgia is received and ordered filed.

Gath P. Freeman, Trustee, etc.,

Appellant,

4 vs.

Gilbert K. Hewit, Director of Gross Income Tax Division, etc.

On reargument counsel are requested to address themselves in their briefs and on oral argument to the following questions:

1. Were the sales of securities as made in the circumstances of this case, including the transactions upon the New York Stock Exchange, interstate sales within the meaning and application of Adams Mfg. Co. v.

the Pathfinder Reservoir between October 1 of any year and September 30 of the following year.

III. The State of Wyoming, its officers, attorneys, agents and employees, be and they are hereby severally enjoined from storing or permitting the storage of water in Pathfinder, Guernsey, Seminoe and Alcova Reservoirs otherwise than in accordance with the relative storage rights, as among themselves, of such reservoirs, which are hereby defined and fixed as follows:

First, Pathfinder Reservoir;
Second, Guernsey Reservoir;
Third, Seminoe Reservoir; and
Fourth, Alcova Reservoir;

Provided, however, that water may be impounded in or released from Seminoe Reservoir, contrary to the foregoing rule of priority operation for use in the generation of electric power when and only when such storage or release will not materially interfere with the administration of water for irrigation purposes according to the priority decreed for the French Canal and the State Line Canals.

IV. The State of Wyoming, its officers, attorneys, agents and employees be and they are hereby severally enjoined from storing or permitting the storage of water in Pathfinder, Guernsey, Seminoe or Alcova Reservoirs, and from the diversion of natural flow water through the Casper Canal for the Kendrick Project between and including May 1 and September 30 of each year otherwise than in accordance with the rule of priority in relation to the appropriations of the Nebraska lands supplied by the French Canal and by the State Line Canals, which said Nebraska appropriations are hereby adjudged to be senior to said four reservoirs and said Casper Canal, and which said Nebraska appropriations are hereby identified and defined, and their diversion limitations in second feet and seasonal limitations in acre feet fixed as follows:

Lands	Canal	Limitation in Sec. Feet	Seasonal Limitation in Acre Ft.
Tract of 1025 acres	French	15	2,227
Mitchell Irrigation District	Mitchell	195	35,000
Gering Irrigation District	Gering	193	36,000
Farmers Irrigation District	Tri-State	748	183,050
Ramshorn Irrigation District	Ramshorn	14	3,000

The State of Kansas,

Complainant,

8, Original vs.

The State of Missouri.

Upon consideration of the stipulation of counsel it is ordered

ary be extended until the further order

Per Mr. Chief Justice Stone.

r. Justice Burton took no part in the

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l defendants to the amended bill are

Per Mr. Chief Justice Stone.

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t al.

f the State of Georgia is received and

requested to address themselves in their

briefs and on oral argument to the following questions:

1. Were the sales of securities as made in the circumstances of this case, including the transactions upon the New York Stock Exchange, interstate sales within the meaning and application of Adams Mfg. Co. v.

Nebraska vs. *Wyoming.* 3

natural flow in the Guernsey Dam to Tri-State Dam
ween and including May 1 and September 30 of each
ing the contribution of Spring Creek, be and the same
pportioned between Wyoming and Nebraska on the
enty-five per cent to Wyoming aand seventy-five per
braska, with the right granted Nebraska to designate
o time the portion of its share which shall be delivered
terstate, Fort Laramie, French and Mitchell Canals
he Nebraska lands served by these canals. The State
, its officers, attorneys, agents and employees, and the
yoming, its officers, attorneys, agents and employees,
enjoined and restrained from diversion or use contrary
portionment, provided that in the apportionment of
is section the flow for each day, until ascertainable,
umed to be the same as that of the preceding day, as
he measurements and computations for that day, and
rther, that unless and until Nebraska, Wyoming and
States agree upon a modification thereof, or upon
mula, reservoir evaporation and transportation losses
gation of natural flow and storage shall be computed
nce with the following formula taken from United
ibit 204A:

Evaporation Losses.

e, Pathfinder and Alcova Reservoirs.

poration will be computed daily based upon evaporation
Weather Bureau Standard 4 foot diameter Class "A"
ated at Pathfinder reservoir. Daily evaporation will
tiplied by area of water surface of reservoir in acres
co-efficient of 70% to reduce pan record to open water
.

ey Reservoir.

pute same as above except use pan evaporation at
n Dam.

age Losses.

r carriage losses will be computed upon basis of area
r water surface as determined by aerial surveys made
9 and previous years and upon average monthly
ation at Pathfinder reservoir for the period 1921 to
nclusive, using a co-efficient of 70% to reduce pan
to open water surface.

Daily evaporation losses in second-feet for various sections of the river are shown in the following table:

TABLE

River Section	Area Acres	Daily Loss—Second Feet May	June	July	Aug.	Sept.
Alcova to Wendover....	8360	53	76	87	76	56
Guernsey Res. to Whalen	560	4	5	6	5	4
Whalen to State Line ...	2430	16	22	25	22	16

Above table is based upon mean evaporation at Pathfinder as follows: May .561 ft.; June .767 ft.; July .910 ft.; Aug. .799 ft.; Sept. .568 ft. Co-efficient of 70% to reduce pan record to open water surface.

Above table does not contain computed loss for section of river from Pathfinder dam to head of Alcova reservoir (area 170 acres) because this area is less than submerged area of original river bed in Alcova reservoir and is, therefore, considered as off-set.

Likewise the area between Seminoe dam and head of Pathfinder reservoir is less than area of original river bed through Pathfinder reservoir — considered as off-set. Evaporation losses will be divided between natural flow and storage water flowing in any section of river channel upon a proportional basis. This proportion will ordinarily be determined at the upper end of the section except under conditions of intervening accruals or diversions that materially change the ratio of storage to natural flow at the lower end of the section. In such event the average proportion for the section will be determined by using the mean ratio for the two ends of the section.

In the determination of transportation losses for the various sections of the stream, such time intervals for the passage of water from point to point shall be used as may be agreed upon by Nebraska, Wyoming and the United States, or in the absence of such agreement, as may be decided upon from day to day by the manager of the government reservoirs, with such adjustments to be made by said manager from time to time as may be necessary to make as accurate a segregation as is possible.

VI. This decree is intended to and does deal with and apportion only the natural flow of the North Platte River. Storage water shall not be affected by this decree and the owners of rights therein shall be permitted to distribute the same in accordance with any lawful contracts which they may have entered into or may in the future enter into, without interference because of this decree.

The State of Kansas,

Complainant,

8, Original vs.

The State of Missouri

...e stipulation of counsel it is ordered
...dary be extended until the further order

Per Mr. Chief Justice Stone.

Mr. Justice Burton took no part in the

t,

...l defendants to the amended bill are

Per Mr. Chief Justice Stone.

al.

the State of Georgia is received and

...dditional gauging stations and measuring devices ... Wyoming-Nebraska state line, if any, as may be ...aking any apportionm ut herein decreed, shall be ...l maintained at the joint and equal expense of ... Nebraska to the extent that the costs thereof are ...ers.

...State of Wyoming, its officers, attorneys, agents ... be and they are hereby severally enjoined from ...rmitting the diversion of water from the North ... its tributaries at or above Alcova Reservoir in ...xchange for return flow water from the Kendrick ...g the North Platte River below Alcova Reservoir.

...te of Wyoming and the State of Colorado be and ... each required to prepare and maintain complete ...ecords of the total area of land irrigated and the ...portation of the water of the North Platte River ...ies within those portions of their respective juris... ...l by the provisions of paragraphs I and II hereof, ...is shall be available for inspection at all reasonable ...l, however, that such records shall not be required ... the water uses permitted by paragraph X hereof.

...ree shall not affect or restrict the use or diversion ... the North Platte River and its tributaries in Colo... ...ng for ordinary and usual domestic, municipal and ... purposes and consumption.

...e purposes of this decree:
...n" or "seasonal" refers to the irrigation season, ...ember 30, inclusive;
...rm "storage water" as applied to releases from ...ed and operated by the United States is defined ...which is released from reservoirs for use on lands ...having storage contracts in addition to the water ...arged through those reservoirs to meet natural flow ... by this decree;
...al flow water" shall be taken as referring to all ...ream except storage water;
... flows of Kendrick Project shall be deemed to be ... water" when they have reached the North Platte

On reargument counsel are requested to address themselves in their briefs and on oral argument to the following questions:

1. Were the sales of securities as made in the circumstances of this case, including the transactions upon the New York Stock Exchange, interstate sales within the meaning and application of Adams Mfg. Co. v.

River, and subject to the same diversion and use as any other natural flow in the stream.

XII. This decree shall not affect:

(a) The relative rights of water users within any one of the States who are parties to this suit except as may be otherwise specifically provided herein;

(b) Such claims as the United States has to storage water under Wyoming law; nor will the decree in any way interfere with the ownership and operation by the United States of the various federal storage and power plants, works and facilities.

(c) The use or disposition of any additional supply or supplies of water which in the future may be imported into the basin of the North Platte River from the water shed of an entirely separate stream, and which presently do not enter said basin, or the return flow from any such supply or supplies.

(d) The apportionment heretofore made by this Court between the States of Wyoming and Colorado of the waters of the Laramie River, a tributary of the North Platte River;

(e) The apportionment made by the compact between the States of Nebraska and Colorado, apportioning the water of the South Platte River.

XIII. Any of the parties may apply at the foot of this decree for its amendment or for further relief. The Court retains jurisdiction of this suit for the purpose of any order, direction, or modification of the decree, or any supplementary decree, that may at any time be deemed proper in relation to the subject matter in controversy. Matters with reference to which further relief may hereafter be sought shall include, but shall not be limited to, the following:

(a) The question of the applicability and effect of the Act of August 9, 1937, 50 Stat. 564, 595-596, upon the rights of Colorado and its water users when and if water hereafter is available for storage and use in connection with the Kendrick Project in Wyoming.

(b) The question of the effect upon the rights of upstream areas of the construction or threatened construction in downstream areas of any projects not now existing or recognized in this decree;

The State of Kansas,

Complainant,

8, Original vs.

The State of Missouri.

Upon consideration of the stipulation of counsel it is ordered

ry be extended until the further order

er Mr. Chief Justice Stone.

. Justice Burton took no part in the

defendants to the amended bill are

er Mr. Chief Justice Stone.

al.

the State of Georgia is received and

requested to address themselves in their briefs and on oral argument to the following questions:

1. Were the sales of securities as made in the circumstances of this case, including the transactions upon the New York Stock Exchange, interstate sales within the meaning and application of Adams Mfg. Co. v. Storen, 304 U.S. 307; cf. McGoldrick v. Berwind-White Coal Mining Co.,

question of the effect of the construction or threat-
uction of storage capacity not now existing on tribu-
ing the North Platte River between Pathfinder Reser-
ernsey Reservoir;
question of the right to divert at or above the head-
Casper Canal any water in lieu of, or in exchange
ater developed by artificial drainage to the river of
on the Kendrick Project;
question relating to the joint operation of Path-
ernsey, Seminoe and Alcova Reservoirs whenever
nditions make such joint operation possible.
change in conditions making modification of the
e granting of further relief necessary or appropriate.

e costs in this cause shall be apportioned and paid
the State of Colorado one-fifth; the State of Wyo-
fths; and the State of Nebraska two-fifths. Payment
and expenses of the Special Master has been provided
us order of this Court.

e clerk of this Court shall transmit to the chief magis-
e States of Colorado, Wyoming, and Nebraska, copies
ee duly authenticated under the seal of this Court.

Per Mr. Chief Justice Stone.

Justice Jackson and Mr. Justice Burton
part in the consideration of this decree.

309 U. S. 33, 58?

2. Does the commerce clause forbid Indiana to levy a gross receipts tax upon the transactions in question, in the absence of any showing that a similar or substantial tax is, or may be, in fact laid upon them by any other state?

3. To what extent, if any, is Indiana's power to tax the gross receipts from these transactions affected, under the commerce clause, by the facts that domicile of the seller or situs of the securities prior to conclusion of the sales was in Indiana?

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration of this order.

State of New York and Saratoga Springs Commission, et al.,

Petitioners,

5 vs.

The United States of America.

On reargument counsel, without restricting their argument in any other respect, are requested to address themselves in their briefs and on oral argument to the following questions:

1. May Congress constitutionally include for taxation in a generally applicable taxing act any state property or activity or the income derived by the state from them, or any other source, so long as the tax does not discriminate against the state, or so long as the tax is not laid on the interest taxed, merely because it is that of a state -- and if income of a private person from a like source may be constitutionally taxed?

2. To what extent may a state, by enlarging its property ownership or its activities, withdraw from the reach of the federal taxing power property and income which are normally subject to federal taxation when owned or received by private persons? See United States v. California, 297 U. S. 175, 184, 185, and cases cited.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration of this order.

Martin J. Bernards and Lena Bernards,

Petitioners,

2, O.T. 1941 vs.

M. R. Johnson, Catherine Collins, et al.

ON CONSIDERATION of the motion to recall the mandate in this case

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

American Trucking Association, Inc., et al.,

Appellants,

558, O.T. 1944 vs.

The United States of America, Interstate Commerce Commission, et al.

ON CONSIDERATION of the motion of the appellants for the allowanc of costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Radio Station WOW, Inc., et al.,

Petitioners,

593, O.T. 1944 vs.

Homer H. Johnson

ON CONSIDERATION of the motion of respondent to retax costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

International Union of Mine, Mill and
Smelter Workers, Locals No. 15, et al., etc.,

Petitioners,

337, O.T. 1944 vs.

Eagle-Picher Mining and Smelting Company, et al.

ON CONSIDERATION of the motions of the International Union of Mine, Mill and Smelter Workers, Locals 15, etc., and of the National Labor Relations Board for leave to withdraw the petitions for rehearing in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of these motions.

Courtney M. Mabee, Clark K. Barnum, et al.,

Petitioners,

57 vs.

White Plains Publishing Company, Inc.

ON CONSIDERATION of the motion to print an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

United Federal Workers of America (C. I. O.),
et al.,

Appellants,

34 vs.

Harry B. Mitchell, et al.

ON CONSIDERATION of the motion of appellants to continue this case,

IT IS ORDERED that the case be set for argument at the head of the call for Monday, December 3.

Per Mr. Chief Justice Stone.

The East New York Savings Bank,

Appellant,

62 vs.

Alvin Hahn and Hannah Hahn.

ON CONSIDERATION of the motion of the State of New York for leave to present oral argument in this case as amicus curiae,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Universal Oil Products Company,

Petitioner,

48 vs.

Root Refining Company; and

Universal Oil Products Company,

Petitioner,

64 vs.

Root Refining Company.

ON CONSIDERATION of the motion of J. Bernhard Thiess and Thorley von Holst for leave to file brief and present oral argument as amici curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160, O.T. 1944 vs.

G. W. Burley et al.

ON CONSIDERATION of the motions of the Congress of Industrial Organizations and the Railway Labor Executives' Association for leave to file briefs amici curiae in support of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

United States ex rel. Wm. A. Doss,

Petitioner,

470 vs.

E. E. Lindsley, Sheriff, etc.

ON CONSIDERATION of the application for bail presented to Mr. Justice Murphy and by him referred to the Court,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Bernard M. Shotkin,

Petitioner,

12, Misc. vs.

T. Blake Kennedy, Acting Judge.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Garfield J. Kelly,

Petitioner,

1, Misc. vs.

Alfred A. Dowd, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Theodore James Audett,

Petitioner,

5, Misc. vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Einar Frettie,

Petitioner,

6, Misc. vs.

P. J. Squier, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harmon M. Waley,

Petitioner,

7, Misc. vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

United States ex rel. Henry H. Staples,

Petitioner,

8, Misc. vs.

Walter Nierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Dorsey Edmondson,

Petitioner,

10, Misc. vs.

Dr. J. LeRoy Wright.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Thomas Fife,

Petitioner,

11, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Tony Thompson,

Petitioner,

13, Misc. vs.

Percy A. Lainson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harry Reeves,

Petitioner,

14, Misc. vs.

Percy A. Lainson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Walter Bennett,

Petitioner,

17, Misc. vs.

State of New Jersey.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph O. Davis,

Petitioner,

19, Misc. vs.

W. Frank Smyth, Superintendent, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Louis D. Turner,

Petitioner,

22, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Elmer Jones,

Petitioner,

23, Misc. vs.

Walter Nierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

In the Matter of Frank Xavier DeLisle.

2, Misc.

ON CONSIDERATION of the application submitted herein by Frank Xavier DeLisle,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edgar R. Srygley,

Petitioner,

3, Misc. vs.

The United States.

ON CONSIDERATION of the application submitted herein by Edgar R. Srygley,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Chester W. Crum,

Petitioner,

4, Misc. vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the application submitted herein by Chester W. Crum,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

E. Haydon Bozell,

Petitioner,

9, Misc. vs.

Thomas Clark, Attorney General, etc.

ON CONSIDERATION of the petition for writ of injunction herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Burns Sinclair,

Petitioner,

15, Misc. vs.

Alfred F. Dowd, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

A. R. Tucker,

Appellant,

87 vs.

The State of Texas.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this question.

Grace Marsh,

Appellant,

114 vs.

The State of Alabama.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this question.

F. O. Robertson,

Appellant,

274 vs.

The People of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this question.

The People of the State of New York, ex rel. Donald A. J. Ray,

Appellant,

158 vs.

Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

Appeal from the County Court of Wyoming County, State of New York.

The appeal in this case is dismissed for want of jurisdiction, sec. 237 (a) of the Judicial Code as amended, 28 U. S. C. sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C. sec. 344 (c), certiorari is granted. The Solicitor General of the United States is invited to file a brief amicus curiae if he is so advised.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this order.

Warren W. Wilson, et al., etc.,

Appellants,

328 vs.

Otho A. Cook, Commissioner, etc.; and

Otho A. Cook, Commissioner, etc.,

Appellant,

329 vs.

Warren W. Wilson, et al., etc.

In No. 328 further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits. In No. 329 the appeal is dismissed for want of jurisdiction, sec. 237 (a) of the Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is granted. In both cases the Solicitor General is invited to file a brief amicus curiae if he is so advised. In No. 328,

counsel, without restricting their argument in any other respect, are requested to address themselves in their briefs and on oral argument to the following questions:

1. Does the record affirmatively show that the validity of a state statute was drawn in question in the Supreme Court of Arkansas on the ground of its being repugnant to the Constitution or laws of the United States as required by section 237 (a) of the Judicial Code (28 U. S. C., sec. 344)?

2. Does the record affirmatively show that the argument was made in the Supreme Court of Arkansas that the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States?

3. Assuming that question (2), supra, is answered in the negative, does this Court have jurisdiction to consider the argument that the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States? Compare Dewey v. Des Moines, 173 U. S. 193, 198.

4. Do the assignments of error in this Court raise the question whether the taxing statute is repugnant to the Constitution and laws of the United States because it requires the severer to collect the tax from the United States? Compare Flournoy v. Wiener, 321 U. S. 253, 259.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this order.

Bertram Williams, et al., Suing on Behalf of Themselves and all other Holders of Class B. Debentures of Green Bay and Western Railroad Company,

Petitioners,

100 vs.

Green Bay and Western Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

American Surety Company of New York,

Petitioner,

Order allowing certiorari.

142 vs.

Paul W. Sampsell, as Trustee in Bankruptcy of the Estate of Charles B. Stratton, etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

M. Kraus & Bros., Inc.,

Petitioner,

Order allowing certiorari.

198 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Reconstruction Finance Corporation, et al., Petitioners, vs. The Denver and Rio Grande Western Railroad Company, et al.

278 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Reconstruction Finance Corporation, et al., Petitioners, vs. The Denver and Salt Lake Western Railroad Company, et al.

279 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Reconstruction Finance Corporation, et al., Petitioners, vs. City Bank Farmers Trust Company, Trustee, et al.

280 Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Reconstruction Finance Corporation, et al., Petitioners,

vs.

The Denver and Rio Grande Western Railroad Company, et al.

281

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Reconstruction Finance Corporation, et al., Petitioners,

vs.

Guy A. Thompson, Trustee, et al.

282

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Marion H. Allen, Collector of Internal Revenue,

Petitioner,

289 vs.

Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Unemployment Compensation Commission of The Territory of Alaska, et al.,

Petitioners,

309 vs.

Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Social Security Board, Petitioner,

318 vs.

Joseph Nierotke.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Seas Shipping Company, Inc., Petitioner,

365 vs.

Joseph Sieracki.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Hercules Gasoline Company, Inc., Petitioner,

93 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Carl B. Williams,

Petitioner,

123 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Commissioner of Internal Revenue,

Petitioner,

145 vs.

J. N. Flowers.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Commissioner of Internal Revenue,
Petitioner,
163 vs.
Laird Wilcox and Maud Wilcox.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Commissioner of Internal Revenue,
Petitioner,
203 vs.
Estate of Harry Holmes, Deceased,
Lucy B. Holmes, Independent Executrix.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Mississippi Publishing Corporation,
Petitioner,
234 vs.
Dennis Murphree.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

A. L. Lusthaus,

Petitioner,

263 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

115 vs.

William R. Johnson; and

The United States of America,

Petitioner,

116 vs.

Jack Sommers, et al.

ON CONSIDERATION of the motion of the petitioner to treat and consider the records in Nos. 4 and 5, October Term, 1942, and Nos. 153 and 154, October Term, 1944, as part of the record in these cases without reprinting,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

The United States of America,

Petitioner,

115 vs.

William R. Johnson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

116 vs.

Jack Sommers, James A. Hartigan, William P. Kelly and Stuart Solomon Brown.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton took no part in the consideration or decision of this application.

Max Levinson,

Petitioner,

139 vs.

Spector Motor Service, A Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Max Levinson,

Petitioner,

139 vs.

Spector Motor Service, A Corporation.

In this case the Solicitor General and the Interstate Commerce Commission are invited to file briefs amici curiae if so advised.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this order.

Commissioner of Internal Revenue,

Petitioner,

197 vs.

Anna Vickers Crawford.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket and set to follow No. 56.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William Murray Estep,

Petitioner,

292 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is set to follow No. 66.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Commissioner of Internal Revenue,

Petitioner,

317 vs.

Francis E. Tower.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket and set to follow No. 263, Lusthaus vs. Commissioner of Internal Revenue.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

S. R. A., Inc.,

Petitioner,

254 vs.

State of Minnesota; and

S. R. A., Inc.,

Petitioner,

255 vs.

State of Minnesota.

ON CONSIDERATION of the petition of Bancroft Investment Corporation for leave to file a statement in support of the petitions for certiorari in these cases,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

S. R. A., Inc.,

Petitioner, Order allowing certiorari.

254 vs.

State of Minnesota.

The petition herein for a writ of certiorari to the Supreme Court of the State of Minnesota is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

S. R. A., Inc., Petitioner,

vs.

State of Minnesota.

Order allowing certiorari.

255

The petition herein for a writ of certiorari to the Supreme Court of the State of Minnesota is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Township of Hillsborough, Somerset County, N. J., et al., Petitioners,

vs.

Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment.

Order allowing certiorari.

305

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton took no part in the consideration or decision of this application.

Federal Trade Commission,

Petitioner,

Order allowing certiorari.

320 vs.

A. P. W. Paper Company, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Jackson, and Mr. Justice Burton took no part in the consideration or decision of this application.

J. R. Mason,

Petitioner,

Order allowing certiorari.

306 vs.

Paradise Irrigation District.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, limited to the question whether any applicable rule requiring equality of treatment among creditors was violated by the difference between the treatment accorded the petitioner and that accorded the Reconstruction Finance Corporation under the approved plan. The case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

David A. Marmon and Charles Weiss, Petitioners, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

70

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Paradise Land and Livestock Company, Petitioner, vs. The Federal Land Bank of Berkeley. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

84

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Lorin A. Cranson, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

85

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Madge Messler,

Petitioner,

88 vs.

United States Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Department of Conservation of the State of Louisiana and The Public Service Commission of the State of Louisiana,

Petitioners,

89 vs.

Federal Power Commission, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

National Coal Association, United Mine Workers of America, Order of Railway Conductors, et al.,

Petitioners,

132 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

John H. Parker,
Petitioner,
90 vs.
Dency Parker.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Jack E. Ellis, An Individual Doing Business Under The Fictitious Firm Name and Style of General Export Company,
Petitioner,
91 vs.
The De La Rama Steamship Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Louis Hamburger and Samuel Hamburger,
Petitioners,
94 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Louis Stockstrom,
Petitioner,
96 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

J. Gordon Mack,
Petitioner,
97 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Eli Gurman,
Petitioner,
98 vs.
Frederick Illg, and Chester Bowles, Administrator of the Office of Price Administration.

On petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Errors of the State of Connecticut, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The E. Kahn's Sons Company,
Petitioner,
99 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Seminole Nation,
Petitioner,
101 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Raymond J. Grace, Trading Under the Name and Style of R. J. & M. C. Grace,
Petitioner,
102 vs.
M. Hampton Magruder, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Echo Bay Waterfront Corporation,
Petitioner,
104 vs.
The City of New Rochelle.

On petition for writ of certiorari to the County Court of Westchester County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of Westchester County, State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Shinyu Noro and Shoie M. Goto,
Petitioners,
105 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Clarence Arthur Lane,
Petitioner,
106 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harry Edison,
Petitioner,
vs.
Commissioner of Internal Revenue.

108 On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Salvatore Virzera,
Petitioner,
vs.
The United States of America.

109 On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Oreste Virzera,
Petitioner,
vs.
The United States of America.

110 On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Enoch Pratt Free Library of Baltimore City, Thomas S. Cullen, Henry Stockbridge, III, et al.,

Petitioners,

113 vs.

T. Henderson Kerr and Louise Kerr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Richard V. Jenkins,

Petitioner,

117 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

James Picarelli,

Petitioner,

118 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Newcomb Cleveland and Bankers Trust Company, as Executors of the Last Will and Testament of Alfred W. Erickson, Deceased,

Petitioner,

119 vs.

Joseph T. Higgins, as Collector of Internal Revenue for the Third District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Manuel Carlos,

Petitioner,

120 vs.

The State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Manhattan Lighterage Corporation,

Petitioner,

121 vs.

Ernest Anderson, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Margaret M. Johnson and Mary E. Layton, Doing Business as United States Dental Company and Voyle Clark Johnson,

Petitioners,

124 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Terminal Railroad Association of St. Louis,

Petitioner,

125 vs.

Gertrude Mooney, Administratrix of the Estate of Neil P. Mooney, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Aviation Capital, Incorporated,

Petitioner,

126 vs.

William J. Pedrick, Collector of Internal Revenue, Second District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Standard Lime and Stone Company,
Petitioner,
127 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Pearl McAden,
Petitioner,
128 vs.
State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ibrahim J. Abdallah,
Petitioner,
130 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Norristown Herald, Inc.,
Petitioner,
131 vs.
George Bausewine.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Nicholas J. Curtis,
Petitioner,
133 vs.
Utah Fuel Company, et al.

On petition for writ of certiorari t the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Roy K. O'Kelley,
Petitioner,
134 vs.
The United States of America.

On petition for writ of certiorari t the United States Court of Appeals f the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wilhelm Schefold, Petitioner, vs. The United States of America. 135

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ludwig Koeniger, Petitioner, vs. The United States of America. 136

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Timken-Detroit Axle Company, Petitioner, vs. Cleveland Steel Products Corporation. 137

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Francis Doll,
Petitioner,
138 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

David A. Marmon and Charles Weiss,
Petitioners,
140 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Lake Lucerne Plaza, Inc.,
Petitioner,
143 vs.
Chester Bowles, as Administrator,
Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

George E. Colby and International Braid Company,

Petitioners,

146 vs.

George Frederick French and Roger French.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wade H. Cooper,

Petitioner,

147 vs.

R. C. Parsons, Receiver of the United States Savings Bank.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Airolite Company and the Ventilouvre Company, Inc.,

Petitioners,

148 vs.

Harry W. Fiedler, Doing Business as Air Conditioning Utilities Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Neville Coal & Chemical Company,
Petitioner,
149 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Clarage Fan Company,
Petitioner,
150 vs.
B. F. Sturtevant Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Seven Up Company,
Petitioner,
151 vs.
Cheer Up Sales Company of St. Louis, Missouri, American Soda Water Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Sidney D. Palmquist,
Petitioner,
153 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Michael J. Cryne,
Petitioner,
154 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Longhorn Portland Cement Company and San Antonio Portland Cement Company,
Petitioners,
156 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harold Shrier, Individually and Doing Business Under The Name and Style of A. Shrier & Sons Company, A Registered Michigan Co-partnership,

Petitioner,

162 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Lorraine Castle Apartments Building Corporation, Inc., et al.,

Petitioners,

164 vs.

Justin Mackieurch, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Angelo Castellani, et al.,

Petitioners,

165 vs.

James W. McNichols, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Louis F. Hall & Co., Inc.,
Petitioner,
167 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

London Weatherproofs, Inc.,
Petitioner,
168 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey, Jr. and Richard D. Harvey,
Petitioners,
171 vs.
M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey, Jr. and Richard D. Harvey,

Petitioners,

172 vs.

M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey, Jr. and Richard D. Harvey,

Petitioners,

173 vs.

M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey,

Petitioner,

174 vs.

M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Plankinton Building Company,
Petitioner,
175 vs.
M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey, Jr. and Richard D. Harvey,
Petitioners,
176 vs.
M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert J. Harvey, Jr. and Richard D. Harvey,
Petitioners,
177 vs.
M. H. Grossman, Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Standard Accident Insurance Company and Albert E. McKenzie, as Trustee in Bankruptcy of The Graves-Quinn Corporation,

Petitioners,

179 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wells Lamont Corporation,

Petitioner,

181 vs.

Chester Bowles, Price Administrator, and James G. Rogers, Acting Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Cou that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

A. P. Giannini, Administrator of the Estate of Virgil D. Giannini, Deceased,

Petitioner,

183 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Milton Shotts,
Petitioner,
184 vs.
State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Charles E. Treibly,
Petitioner,
185 vs.
Dr. Winfred Overholser, Superintendent, St. Elizabeth's Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Chio Tank Car Company,
Petitioner,
186 vs.
Keith Railway Equipment Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William Elbert Lawrence,
Petitioner,
188 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Northern Trust Company, James A. Russell, Maurice E. Graves and E. LeRoy Hall,
Petitioners,
189 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

American National Bank and Trust Company of Chicago, et al.,
Petitioners,
190 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Samuel R. Morgan,

Petitioner,

191 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

J. Fort Abell, et al.,

Petitioners,

194 vs.

A. M. Anderson, Receiver of the National Bank of Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Martin G. Taub, Joseph B. Wohlman, Abner B. Taub, et al.,

Petitioners,

195 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

J. W. Hale,
Petitioner,
199 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Standard Register Company,
Petitioner,
202 vs.
American Sales Book Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

P. G. Lake, Inc.,
Petitioner,
210 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Timothy F. Costello and Katherine A. Costello,

Petitioners,

211 vs.

Timothy J. Costello, James A. Costello, and Ella A. Costello, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

A. S. Genecov,

Petitioner,

212 vs.

State of Texas, and R. A. Schmidt, Sheriff, Dallas County.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

F. G. Badenhausen, et al., Constituting the Protective Committee for the Holders of Georgia and Alabama Railway First Mortgage Consolidated Five Per Cent Gold Bonds,

Petitioners,

213 vs.

Otis A. Glazebrook, Jr., et al., as the Reorganization Committee of the Seaboard Air Line Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jackson & Perkins Company,

Petitioner,

214 vs.

Mushroom Transportation Company, Inc., William Bickley, Trading as Bickley's Auto Express.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Clark Oil Company and Plymouth Clark Oil Company,

Petitioners,

216 vs.

Phillips Petroleum Company, The Puro Oil Company, Standard Oil Company (Indiana), et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Daisy I. Morgan, Executrix of the Estate of Celeste Smith Murray, Deceased,

Petitioner,

220 vs.

Frank T. Hines, as Administrator of Veterans Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Prudence Realization Corporation,
Petitioner,
223 vs.
The Hurd Committee, The Petitioning Creditors, and Carroll Dunham, 3d, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Old Monastery Company,
Petitioner,
229 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Samuel H. Moss, Inc.,
Petitioner,
230 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Cowell Portland Cement Company,
Petitioner,
231 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Texas and New Orleans Railroad Company, et al.,
Petitioners,
232 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Earl B. Spurr,
Petitioner,
235 vs.
Stasia Spurr.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ross Engineering Company, Incorporated,
Petitioner,
237 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Solly Weiss,
Petitioner,
240 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Irving Elias, et al., Constituting the Protective Committee for the Holders of Convertible Obligations, etc., et al.,
Petitioners,
241 vs.
Stanley Clarke, Trustee of Associated Gas and Electric Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Irving Elias, et al., Constituting the Protective Committee for the Holders of Convertible Obligations, etc., et al.,

Petitioners,

242 vs.

Denis J. Driscoll, et al., Trustees of Associated Gas and Electric Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Agnes Schongalla, as Executrix of the Last Will and Testament of William Schongalla, Deceased,

Petitioner,

244 vs.

Harry M. Hickey, United States Collector of Internal Revenue, 14th District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Southern California Freight Lines,

Petitioner,

245 vs.

Charles T. McKeown.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Jack Tobin,
Petitioner,
246 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Pope & Talbot, Inc.,
Petitioner,
247 vs.
Matson Navigation Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William I. Heffron, Trustee of the Estates of William Nelson Hamaker and Orelia B. Hamaker, Bankrupts,
Petitioner,
248 vs.
William Nelson Hamaker and Orelia B. Hamaker.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Cornelius J. Collins, et al.,
Petitioners,
250 vs.
Lester L. Seifried.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ed C. Wright,
Petitioner,
257 vs.
Board of Public Instruction for the County of Broward, State of Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Otto Henry Parkening,
Petitioner,
259 vs.
Jules Arnold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Capitol Novelty Company, Ltd., Petitioner,

262 vs.

William S. Evatt, Tax Commissioner of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edward S. Ladin, Petitioner,

264 vs.

Howard K. Hurwith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Donald P. Evans, Petitioner,

265 vs.

Ruth B. Evans.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph Alcide Landry,

Petitioner,

266 vs.

Mutual Life Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Martin Leithauser, Administrator of the Estate of P. J. Leithauser, Deceased,

Petitioner,

268 vs.

Hartford Fire Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William E. Miedema,

Petitioner,

272 vs.

Sadie Pratt.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edith Nycum,

Petitioner,

275 vs.

City of Altoona, State of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Earl S. Worsham, Trading as Worsham Brothers,

Petitioner,

276 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Herbert O. Dunn and John A. Cadario,

Petitioners,

285 vs.

Town of Burlington.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts, County of Middlesex.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, County of Middlesex, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

V. Moore,

Petitioner,

287 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Halliburton Oil Well Cementing Company,

Petitioner,

290 vs.

Cranford P. Walker, et al., Doing Business as Depthograph Company, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Weseck Towing & Transportation Company,

Petitioner,

293 vs.

Edward E. Rice, on Behalf of Himself and of His Co-Partners, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Southeastern Building Corporation,
Petitioner,
294 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ruthbell Coal Company,
Petitioner,
299 vs.
Clara W. Stanton, Administratrix of the Estate of Ernest L. Stanton, Deceased.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Benjamin Hall and Altus Hall,
Petitioners,
301 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Allen J. Patch,
Petitioner,
302 vs.
Solar Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Phil Howe, et al., Co-partners Trading as Howe & Company,
Petitioners,
304 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Richard T. Green Company, M. Thomas Green, Trustee of M. Thomas Green Trust, et al.,
Petitioners,
307 vs.
City of Chelsea.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

John Pakouri,

Petitioner,

310 vs.

Jose Maciel Cadais, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

James M. Mickey, et al., as Executors Under the Last Will and Testament of Henry S. Chardavoyne, Deceased,

Petitioners,

311 vs.

Federal Deposit Insurance Corporation, as Receiver of the Fort Greene National Bank of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Minnie E. Sharp, Individually and as Executrix of the Estate of William E. Sharp, Deceased,

Petitioner,

316 vs.

Grip Nut Company, Francis H. Hardy, Chester D. Tripp and Thomas G. Deering.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter A. Buhl, Lester W. Bluhm, Abel A. Garfain, et al., etc.,
Petitioners,
321 vs.
The University of the State of New York, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, Third Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, Third Department, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Insular Sugar Refining Corporation,
Petitioner,
323 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Globe Indemnity Company,
Petitioner,
324 vs.
Gulf Portland Cement Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

James W. Waber,

Petitioner,

330 vs.

Montgomery Ward & Co., Incorporated and United States Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Des Moines County, Iowa, and State of Iowa,

Petitioners,

333 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Santo Grasso,

Petitioner,

340 vs.

Olvind Lorentzen, Director of Shipping and Curator for the Royal Norwegian Government, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

County of Thurston in the State of Nebraska, et al.,

Petitioners,

352 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Stockholders' Committee of the Universal Lubricating Systems, Inc.,

Petitioner,

359 vs.

Austin L. Staley, Trustee in Reorganization for the Universal Lubricating Systems, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

National Electric Products Corporation,

Petitioner,

370 vs.

Triangle Conduit & Cable Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leo S. Sacharoff, Petitioner,

371 vs.

Edward S. Corsi, as Industrial Commissioner, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Emanuel Schiffman, Petitioner,

372 vs.

Edward S. Corsi, as Industrial Commissioner, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Uldric Thompson, Jr., Petitioner,

68 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Uldric Thompson, Jr.,

Petitioner,

68 vs.

The United States.

ON CONSIDERATION of the motion to bring up additional parts of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Uldric Thompson, Jr.,

Petitioner,

68 vs.

The United States.

ON CONSIDERATION of the motion to dispense with the printing of the petition, brief, and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph Nisonoff,

Petitioner,

92 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed on less than the required number of records in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph Nisonoff, Petitioner, vs. The People of the State of New York. — On petition for writ of certiorari to the Court of Appeals of the State of New York.

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ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of the opinion that the petition should be granted.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Carmen Beach, Petitioner, vs. The United States of America.

258

ON CONSIDERATION of the motion to use the record in No. 620, October Term, 1944, in considering the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Carmen Beach, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

258

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Henry Croopman, Individually and as President of the L. C. Heat Conditioning Corporation,

Petitioner,

129 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Louis Larson and Edward Johnstone,

Petitioners,

161 vs.

General Motors Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William E. Baker and Martha D. Baker,

Petitioners,

288 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harold H. Emmons,

Petitioner,

366 vs.

Max Smitt, John C. Spaulding, Edward H. Yost, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Burton took no part in the consideration or decision of this application.

Hubert C. Reynolds, Suing on Behalf of Himself and Others Having Common Rights and Interests,

Petitioner,

296 vs.

Board of Public Instruction for the County of Dade, State of Florida, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Murphy are of opinion that the petition should be granted.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Defense Supplies Corporation,

Petitioner,

222 vs.

The United States of America.

ON CONSIDERATION of the motion to substitute the Reconstruction Finance Corporation as the party petitioner in this case in place of the Defense Supplies Corporation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Reconstruction Finance Corporation,
Petitioner,
222 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Gilbert S. Ellithorpe, etc., et al.,
Petitioners,
260 vs.
Albert Y. Osborn, Myron Frantz, et al.

ON CONSIDERATION of the motion to strike the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Gilbert S. Ellithorpe, On Behalf of Himself and All Other Stockholders As A Class, and Lake-Dearborn Corporation,
Petitioners,
260 vs.
Albert Y. Osborn, Myron Frantz, Charles Ralph Johnston, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William H. Griffin,

Petitioner,

86 vs.

Grace H. Griffin.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

William H. Griffin,

Petitioner, Order allowing certiorari.

86 vs.

Grace H. Griffin.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Julius Fisher,

Petitioner,

122 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Julius Fisher,

Petitioner, Order allowing certiorari.

122 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Frank Canizio,

Petitioner,

152 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Frank Canizio,

Petitioner, Order allowing certiorari.

152 vs.

The People of the State of New York.

The petition herein for a writ of certiorari to the County Court, Kings County, State of New York, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Herbert M. Gregory,
Petitioner,
112 vs.
The United States.

On petition for writ of certiorari to the Court of Claims of the United States.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Carmine Pizza,
Petitioner,
155 vs.
The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Burnist O. Smith,
Petitioner,
157 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph C. Roberts,
Petitioner,
159 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William Ernest Tanner,
Petitioner,
160 vs.
People of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Frank Davis,
Petitioner,
166 vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Dave Millwood,

Petitioner,

180 vs.

The People of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Everett Lee Mackey,

Petitioner,

182 vs.

Thos. E. Whitecotton, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Russell Garrett,

Petitioner,

200 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Greco,

Petitioner,

204 vs.

Thos. E. Whitecotton, Warden,
Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The People of the State of New York, Ex Rel. Lawrence Rensing,

Petitioner,

205 vs.

Vernon A. Morhaus, as Warden of Great Meadows Prison, Comstock, New York.

On petition for writ of certiorari to the County Court of Washington County of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

James Millman,

Petitioner,

206 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Pond,

Petitioner,

207 vs.

The People of the State of Illinois, Ex Rel. George F. Barrett, Attorney General.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

John J. Kern,

Petitioner,

217 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Georgia M. Spruill,

Petitioner,

224 vs.

Daniel M. Campbell.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Roy Adkison,
Petitioner,
226 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Rock Island County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert Carter,
Petitioner,
227 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harry Pyle,
Petitioner,
236 vs.
Milton F. Amrine, Warden of the Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Elvia L. Sullinger,
Petitioner,
249 vs.
Dr. Francis C. Shaw, Director of Dannemora State Hospital, at Dannemora, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Albert Van Pelt,
Petitioner,
252 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Roman J. Marcinkowski,
Petitioner,
271 vs.
The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ernest Tait,
Petitioner,
vs.
The People of the State of Illinois.

273

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Henry Euler,
Petitioner,
vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

308

On petition for writ of certiorari to the Circuit Court, Livingston County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Thomas Lee Clark,
Petitioner,
vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

312

On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

James Thomas Cash,

Petitioner,

313 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ralph Foster,

Petitioner,

335 vs.

Thos. E. Whitecotton, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Gene McCann,

Petitioner,

196 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Gene McCann,

Petitioner,

196 vs.

The United States of America.

ON CONSIDERATION of the motions of petitioner dated September 17, 1945, requesting an order granting certain relief herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of these motions.

James H. Anderson,

Petitioner,

314 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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E. Haydon Bozell,

Petitioner,

___ O.T. 1944 vs.

Francis Biddle, Attorney General, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Ex parte Raymond O. Dekaurez,

Petitioner.

___ O.T. 1944

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Associated Press, et al.,

Appellants,

57 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case on behalf of the Associated Press et al.,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Tribune Company and Robert Rutherford McCormick,

Appellants,

58 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case on behalf of the Tribune Company and Robert Rutherford McCormick,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Interstate Commerce Commission et al.,

Appellants,

507 O.T. 1944 vs.

Harry A. Parker, etc., et al.; and

The United States of America,

Appellant,

508 O.T. 1944 vs.

Harry A. Parker, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

State of North Carolina et al.,

Appellants,

560 O.T. 1944 vs.

The United States of America et al.; and

William H. Davis, etc.,

Appellant,

561 O.T. 1944 vs.

The United States of America et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edward A. Hunt and Robert A. Hunt, etc.,

Petitioners,

570 O.T. 1944 vs.

Edward Crumboch, President, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The State of Alabama and Public Service Commission et al.,

Appellants,

574 O.T. 1944 vs.

The United States of America et al.; and

William H. Davis, Economic Stabilization Director, etc.,

Appellant,

592 O.T. 1944 vs.

The United States of America et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the

Inland Empire District Council et al.,

Petitioners,

613 O.T. 1944 vs.

Harry A. Millis, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Allen Bradley Company et al.,

Petitioners,

702 O.T. 1944 vs.

Local Union No. 3, International Brotherhood of Electrical Workers et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Leo H. Hill et al.,

Petitioners,

811 O.T. 1944 vs.

State of Florida ex rel. J. Tom Watson, Attorney General, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

935 O.T. 1944 vs.

Youngerman-Reynolds Hardwood Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wisconsin Alumni Research Foundation,

Petitioner,

1193 O.T. 1944 vs.

Vitami Technologists, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Glick Brothers Lumber Company et al.,

Petitioners,

1213 O.T. 1944 vs.

Chester Bowles, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edward H. Mrozik,

Petitioner,

1230 O.T. 1944 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

National Labor Relations Board,

Petitioner,

1237 O.T. 1944 vs.

Jones & Laughlin Steel Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

National Labor Relations Board,

Petitioner,

1238 O.T. 1944 vs.

E. C. Atkins and Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Maxwell P. Oxman,

Petitioner,

1244 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Estate of Robert Marshall, James Marshall, Executor,

Petitioner,

1246 O.T. 1944 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

J. V. Vandenberge et al., etc.,

Petitioners,

1247 O.T. 1944 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Joseph Coghlan,

Petitioner,

1250 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edna P. Stonesifer and Joseph N. Stonesifer, etc.,

Petitioners,

1284 O.T. 1944 vs.

Carl J. Swanson et al., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Robert Noble,

Petitioner,

1288 O.T. 1944 vs.

C. O. Botkin, Superintendent, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Frank Roberts,

Petitioner,

1291 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William A. Warehime, d. b. a. Nezen Milk Food Company, et al.,

Petitioners,

1296 O.T. 1944 vs.

H. H. Varney, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Richard Adolph Ascher,

Petitioner,

1314 O.T. 1944 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Homer N. Chapin et al., etc.,

Petitioners,

1316 O.T. 1944 vs.

New York, New Haven and Hartford Railroad Company, Debtor, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

J. Ralph De Marcos,

Petitioner,

1353 O.T. 1944 vs.

Dr. Winfred Overholser, Superintendent, St. Elizabeth's Hospital.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Leo Bailey,

Petitioner,

1358 O.T. 1944 vs.

State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Guaranty Trust Company of New York,

Petitioner,

264 O.T. 1944 vs.

Grace W. York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Guaranty Trust Company of New York,

Petitioner,

264 O.T. 1944 vs.

Grace W. York.

ON CONSIDERATION of the motion to recall the mandate, retax costs and to modify the judgment of this Court in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

John Mosher,

Petitioner,

506 O.T. 1944 vs.

Walter A. Hunter, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

10 East 40th Street Building, Inc.,

Petitioner,

820 O.T. 1944 vs.

Charles Callus et al.

It is ordered that the opinion of the Court in this case be amended by substituting for the word "concededly" in line 8 on page 3, the word "obviously."

Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this order.

10 East 40th Street Building, Inc.,

Petitioner,

820 O.T. 1944 vs.

Charles Callus et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this order.

Armour and Company,

Petitioner,

1220 O.T. 1944 vs.

Chester Bowles, Price Administrator.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied. The motion in the alternative for leave to file briefs on the merits is also denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Frank L. Nathanson,

Petitioner,

1235 O.T. 1944 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Jones & Laughlin Steel Corporation,

Petitioner,

1294 O.T. 1944 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

John Di Benedetto, Inspector of Customs, et al.,

Petitioners,

111 vs.

Henry Morgenthau, Jr., Individually and as Secretary of Treasury of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

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Henry Hawk,

Petitioner,

17 vs.

Neil Olson, Warden of the Nebraska State Penitentiary, etc.

Argued by Mr. Joseph A. Panelli for the petitioner and by Mr. Robert A. Nelson for the respondent.

The Roland Electrical Company,

Petitioner,

45 vs.

L. Metcalfe Walling, Administrator, etc.

Argued by Mr. O. R. McGuire for the petitioner and by Miss Bessie Margolin for the respondent.

Thomas Martino,

Petitioner,

21 vs.

Michigan Window Cleaning Company.

Argument commenced by Mr. Daniel D. Carmell for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Hannalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William L. Caraway, It is ordered that William Cwosdof, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Donald Weed, Esquire, of Condon, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kermit C. Sitterley, It is ordered that Carlisle B. Roberts, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde R. Hoey, It is ordered that G. E. Lee, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy H. Callahan, It is ordered that Paul G. Pennoyer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund O'Mare, It is ordered that Calhoun W. J. Phelps, Esquire, of Princeton, State of Illinois, and Lindsay Williamson, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Norbert C. Nilles, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Rudolph, It is ordered that James Reginald Larson, Esquire, of Atlantic, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest S. Ballard, It is ordered that Frank W. Sullivan, Esquire, of Chicago, State of Illinois, and Willis C. Pullard, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Thomas Martino,

Petitioner,

21 vs.

Michigan Window Cleaning Company.

Argument continued by Mr. Daniel D. Carmell for the petitioner and concluded by Mr. Larry S. Davidow for respondent.

Anna M. Boutell and Carroll M. Boutell, doing business as F. J. Boutell Service Company,

Petitioners,

73 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, etc.

Argued by Miss Bessie Margolin for respondent and case submitted

Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, et al.,

Petitioners,

42 vs.

The Texas Mexican Railway Company.

Argued by Mr. Robert H. Kelley for petitioners and by Mr. John P. Bullington for the respondent.

The United States of America, Interstate Commerce Commission, et al.,

Appellants,

22 vs.

Detroit and Cleveland Navigation Company, et al.

Argument commenced by Mr. Charles H. Weston for the appellants, United States and Interstate Commerce Commission.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Lue C. Lozier, Esquire, of Carrollton, State of Missouri, and Joe W. McQueen, Esquire, of Kansas City, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Margaret M. Curley, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Harold Judson, It is ordered that Gardiner Johnson, Esquire, of San Francisco, State of California; Francis J. Carr, Esquire, of Redding, State of California; and Frank Mashak, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Freedman, It is ordered that Adolph K. Schwartz, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Brown, It is ordered that Sol Brown, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren M. Caro, It is ordered that Sidney J. Berger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard C. Wood, It is ordered that Albert H. Sealy, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank F. Reynolds, It is ordered that Elmo L. McClintock, Jr., Esquire, of Cape Girardeau, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,
Interstate Commerce Commission,
et al.,

Appellants,

22 vs.

Detroit and Cleveland Navigation
Company, et al.

Argument continued by Mr. Charles H. Weston for the appellants, United States and Interstate Commerce Commission; by Mr. Ernest S. Ballard for appellees; by Mr. S. S. Eisen for appellees; and concluded by Mr. Sparkman D. Foster for the appellants, T. J. McCarthy Steamship Company et al.

Heber Kimball Cleveland,

Petitioner,

23 vs.

The United States of America;

Heber Kimball Cleveland,

Petitioner,

24 vs.

The United States of America;

Heber Kimball Cleveland,

Petitioner,

25 vs.

The United States of America;

David Brigham Darger,

Petitioner,

26 vs.

The United States of America;

Vergel Y. Jessop,

Petitioner,

27 vs.

The United States of America;

Theral Ray Dockstader,

Petitioner,

28 vs.

The United States of America;

L. R. Stubbs,

Petitioner,

29 vs.

The United States of America;

Pollis Gardner Petty,

Petitioner,

30 vs.

The United States of America;

William Chatwin,

Petitioner,

31 vs.

The United States of America;

Charles P. Zitting,

Petitioner,

32 vs.

The United States of America; and

Edna Christensen,

Petitioner,

33 vs.

The United States of America.

Argued by Mr. Claude T. Barnes for the petitioners and by Mr. Assistant Solicitor General Judson for the respondent.

Asbury Hospital, A Corporation,

Appellant,

35 vs.

Cass County, North Dakota, A Public Corporation, R. F. Croal, as States Attorney of Cass County, etc., et al.

Argument commenced by Mr. Herbert G. Milles for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Monroe Oppenheimer, It is ordered that Milton H. Tucker, Esquire, of Saint Louis, State of Missouri, and Robert F. Burch, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Jean Lagerquist Lewis, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Milton I. Goldstein, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn Earl Baird, It is ordered that Ralph Otis Clare, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley F. Coar, It is ordered that Daniel Henry Jenkins, Esquire, of Scranton, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Joseph Kearney, It is ordered that William Ward Adamson, Esquire, of Burley, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Kirkland, It is ordered that Herbert August Petsch, Esquire, of Neosho, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Preston Swecker, It is ordered that Simon Harry Alster, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert D. Mackenzie, It is ordered that Joseph Wallace Carnwath, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and John M. Cates, Jr., Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard H. Sheppe, It is ordered that Vincent J. Dalton, Esquire, of Pottsville, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Montgomery Ward & Co., Incorporated, et al.,

Petitioners.

408 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for respondent to extend the time within which to file response to petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including October 19, 1945.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Asbury Hospital, A Corporation,

Appellant,

35 vs.

Cass County, North Dakota, A Public Corporation, R. F. Croal, as States Attorney, etc., et al.

Argument continued by Mr. Nels G. Johnson for the appellees and concluded by Mr. Herbert C. Nilles for the appellant.

The John Kelley Company,

Petitioner,

36 vs.

Commissioner of Internal Revenue.

Argued by Mr. Frank J. Albus for the petitioner and by Mr. J. Louis Monarch for the respondent.

Talbot Mills,

Petitioner,

47 vs.

Commissioner of Internal Revenue.

Argued by Mr. Melville F. Weston for the petitioner and by Mr. J. Louis Monarch for the respondent.

The United States of America,

Appellant,

44 vs.

American Union Transport, Inc., et al.

Argued by Mr. Walter J. Cummings, Jr., for the appellant and by Mr. Harold L. Allen for the appellees.

In The Matter of Robert D. Michael,

38 Petitioner.

Argument commenced by Mr. Robert T. McCracken for the petitioner and continued by Robert M. Hitchcock for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 12, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Elizabeth C. Lownsbury, of Philadelphia, Commonwealth of Pennsylvania, and Alfred J. Snyder, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that C. C. Wood, Esquire, of Lafayette, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Collins, It is ordered that Michael Carchia, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph S. Harris, It is ordered that John R. McCullough, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Magee, It is ordered that Bernt O. Stordahl, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin D. Shapiro, It is ordered that Charles R. Katz, Esquire, of New York, State of New York; Benjamin Weintraub, Esquire, of New York, State of New York; and Harris Levin, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Joseph Kearney, It is ordered that Alfred D. Sutherland, Esquire, of Fond du Lac, Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bennett Boskey, It is ordered that John W. O'Boyle, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Langer, It is ordered that Margaret F. Pfeffer, of Fargo, State of North Dakota, and Benjamin H. Giffen, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Chief Justice said:

"I announce with great sorrow the death in this city of Mrs. Louis D. Brandeis, widow of a former Justice of this Court. The funeral will be held in Washington. Members of the Court will attend to show appropriate respect to her memory."

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In The Matter of Robert D. Michael,

38 Petitioner.

Argument concluded by Mr. Robert M. Hitchcock for the respondent.

May Department Stores Company,
Doing Business as Famous-Barr
Company,

Petitioner,

39 vs.

National Labor Relations Board.

Argued by Mr. Robert T. Burch for the petitioner, continued by Miss Ruth Weyand for the respondent, and concluded by Mr. Milton H. Tucker for the petitioner.

Chester G. Bollenbach,

Petitioner,

41 vs.

The United States of America.

Argument commenced by Mr. Bernard Nerschkopf for the petitioner and continued by W. Marvin Smith for the respondent.

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Proclamation being made the Court is adjourned until Monday, October 15, next at 12 o'clock.

MONDAY, OCTOBER 15, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that Washington H. Brown, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that William Thomas Harper, Esquire, of Fort Smith, State of Arkansas; C. Byron Dobbs, Esquire, of Fort Smith, State of Arkansas; and Floyd H. Barham, Esquire, of Fort Smith, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Edwin Joseph Foltz, Esquire, of Fort Smith, State of Arkansas; Harold C. Cook, Esquire, of Ford, State of Kansas; and Alvin G. Holtkamp, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Gerald Togo, It is ordered that Abraham Cohen, Esquire, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Charles Arthur Wesner, Esquire, of Peoria, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Crosby Roper, Jr., It is ordered that Thomas J. Manify, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jeter Seehorn Ray, It is ordered that Charles R. Carey, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that Casimir Orlglik, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis A. Silver, It is ordered that Frank Clay Figgs, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. McFadden, It is ordered that Thibaut de Saint-Phalle, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald P. Moyers, It is ordered that Sidney R. Gambill, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Karr, It is ordered that Marvin M. Chesebro, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Forrest C. Darnell, It is ordered that Franklin C. Howell, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Diller B. Groff, It is ordered that Maurice J. Rumizen, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The Devereux Foundation, Inc.,
Appellant,
vs.
Roland E. Lea, Edith Dolan and Henry S. Jeanes, Jr., et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

243

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Devereux Foundation,

Appellant,

243 vs.

Roland E. Lea, et al.

ON CONSIDERATION of the petition of J. C. Bartholomew, R. Ellison Thompson and William E. Rambo for leave to intervene and for leave to file a motion to dismiss the appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this petition.

John Gray et al.,

Petitioners,

18, Misc. vs.

Coyle E. Bybee et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of George R. Wilson,

Petitioner.

24, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stephen Sawyer,

Petitioner,

26, Misc. vs.

Clinton T. Duffy, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph G. Isenberg,

Petitioner,

27, Misc. vs.

Edward J. Welch, Superintendent of the District of Columbia Reformatory.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph H. Peters,

Petitioner,

28, Misc. vs.

Stanley P. Ashe, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chester Brown;

Petitioner,

29, Misc. vs.

State of Utah.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hughes R. Hilliard,

Petitioner,

30, Misc. vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Foster,

Petitioner,

32, Misc. vs.

S. P. Ashe, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Willis Rogers,

Petitioner,

33, Misc. vs.

P. J. Squier, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David H. Johnson,

Petitioner,

34, Misc. vs.

State of Utah.

ON CONSIDERATION of the application submitted herein by David H. Johnson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louise Metter,

Petitioner,

35, Misc. vs.

Max Zriskey et al.

ON CONSIDERATION of the application submitted herein by Louise Metter,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lionel Shaffer,

Petitioner,

31, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to withdraw the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

El Dorado Oil Works and El Dorado Terminal Company,

Appellants,

428 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this question.

The State of Georgia,

Complainant,

11, Original vs.

The Pennsylvania Railroad Company et al.

The answers of the defendants are received and ordered filed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Champlin Refining Company,

Appellant,

75 vs.

The United States of America and Interstate Commerce Commission.

ON CONSIDERATION of the motion of the appellant to continue this case and of the motion to transfer from the summary docket,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of these motions.

Joseph Greco,

Petitioner,

204 vs.

Thomas L. Whitecotton, Warden, Missouri State Penitentiary.

O R D E R

ON PETITION FOR WRIT OF CERTIORARI to the Supreme Court of the State of Missouri.

The order of October 8, 1945, denying the petition for writ of certiorari in this case is vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Halliburton Oil Well Cementing Company,

Petitioner, Order allowing certiorari.

290 vs.

Cranford P. Walker, et al., Doing Business as Depthograph Company, a Corporation.

The order of October 8, 1945, denying the petition for writ of certiorari in this case is vacated and the petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cherry Cotton Mills, Inc.,

Petitioner,

187 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Otto A. Case, As Commissioner of Public Lands of the State of Washington,

Petitioner,

261 vs.

Chester Bowles, Administrator, Office of Price Administration and Soundview Pulp Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Steve Anderson, Earl Trombley, Lillian Socia, et al.,

Petitioners,

342 vs.

St. Clements Pottery Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stanley Howitt, Flora Post Lee, James Dewhurst and Terence P. O'Rourke,

Petitioners,

354 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Chickasaw Nation,

Petitioner,

169 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States,

Petitioner,

337 vs.

The Chickasaw Nation and The Choctaw Nation.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Berg Shipbuilding Company, A Corporation, and Geo. Nelson, Surety For The Berg Company,

Petitioners,

193 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eugene S. Zinser and W. A. Brewer,

Petitioners,

233 vs.

Federal Petroleum Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John M. Swatzka,
Petitioner,
251 vs.
Colonel Max W. Sullivan, Commanding Officer, Fort Lewis, Washington, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cloverleaf Butter Company,
Petitioner,
295 vs.
United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Arundel Corporation,
Petitioner,
297 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Josef Rosenberg, Samuel Freier and Hans Eisler,

Petitioners,

325 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest Weiss, Irene Weisz, Ferenc Weisz and Geza Friedman,

Petitioners,

326 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert A. Fischer, The Fischer Corporation and A. S. Aloe Company,

Petitioners,

339 vs.

P. H. Bowers and Louis J. Bristow.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas W. Nealon,

Petitioner,

343 vs.

Harry W. Hill, as Receiver of Intermountain Building & Loan Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Wilson,

Petitioner,

345 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Morris P. Sachs, T. C. Witt, Gizella Witt, Anna Christensen, et al.,

Petitioners,

346 vs.

The Ohio National Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

P. H. McGraw & Company, Inc. and the Aetna Casualty & Surety Company,

Petitioners,

347 vs.

John T. D. Blackburn, Inc. and Milcor Steel Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Aetna Casualty & Surety Company and P. H. McGraw & Company, Inc.,

Petitioners,

348 vs.

Milcor Steel Co. and John T. D. Blackburn, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Winter Realty & Construction Co.,

Petitioner,

356 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Flushingside Realty & Construction Co., Petitioner,
357 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Twinboro Corporation, Petitioner,
358 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Burton-Sutton Oil Company, Incorporated, Petitioner,
362 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Jeffries, Jr., Charles R. Aiken, Administrator De Bonis Non of the Estate of William Jeffries, Deceased, et al.,

Petitioners,

385 vs.

Nellie Jeffries and Harper French.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eli Gersewitz,

Petitioner,

219 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, dismissed, it appearing that the petitioner died on September 8, 1945.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank A. Berry and Miller Walton,

Petitioners,

338 vs.

C. J. Root, Fiduciary Counsel, Inc., Augustus T. Ashton, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest E. Scarborough,

Petitioner,

vs.

Pennsylvania Railroad Company.

ON CONSIDERATION of the motion of the Congress of Industrial Organizations for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Ernest E. Scarborough, Petitioner, vs. Pennsylvania Railroad Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

355

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy are of the opinion that the petition for certiorari should be granted because of conflict with Tiller v. Atlantic Coast Line Railroad Co., 318 U.S. 54.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Peter Cddo, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

192

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kingdom William DeNormand, Joseph Peter Oddo, Joseph Alfred La Cascia, et al.,

Petitioners,

208 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 O.T. 1944 vs.

C. W. Burley, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted and the case is restored to the docket and assigned for reargument on December 3 next. The Solicitor General is invited to file a brief and to participate in the reargument as amicus curiae if he is so advised.

Per Mr. Chief Justice Stone.
and Mr. Justice Burton

Mr. Justice Jackson took no part in the consideration or decision of this order.

L. C. Akins,

Petitioner,

853 O.T. 1944 vs.

State of Texas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Henry Robinson, Jr.,

Petitioner,

514 O.T. 1944 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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O R D E R

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice
For the Second Circuit,	Robert H. Jackson,	Associate Justice
For the Third Circuit,	Harold H. Burton,	Associate Justice
For the Fourth Circuit,	Harlan F. Stone,	Chief Justice
For the Fifth Circuit,	Hugo L. Black,	Associate Justice
For the Sixth Circuit,	Stanley Reed,	Associate Justice
For the Seventh Circuit,	Frank Murphy,	Associate Justice
For the Eighth Circuit,	Wiley Rutledge,	Associate Justice
For the Ninth Circuit,	William O. Douglas,	Associate Justice
For the Tenth Circuit,	Wiley Rutledge,	Associate Justice
For the District of Columbia,	Harlan F. Stone,	Chief Justice

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, October 22, until Monday, November 5, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Nathan M. Feldman, David I. Feldman, Abraham Feldman, et al.,

Petitioners,

431 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case;

THEREFORE, pursuant to said stipulation, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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Chester C. Bollenbach,

Petitioner,

41 vs.

The United States of America.

Argument concluded by Mr. W. Marvin Smith for the respondent.

Universal Oil Products Company,

Petitioner,

48 vs.

Root Refining Company; and

Universal Oil Products Company,

Petitioner,

64 vs.

Root Refining Company.

Argued by Mr. Ralph H. Harris for the petitioner and by Mr. Thorley von Holst, pro se, and on behalf of Skelly Oil Company et al., as amicus curiae, by special leave of Court.

Ethel Keeton, as Administratrix of the Estate of W. S. Keeton, Deceased,

Petitioner,

43 vs.

Guy A. Thompson, Trustee, etc.

Submitted by Mr. Theron W. Agee and Mr. David Sidney Partain for the petitioner and by Mr. Thomas T. Railey and Mr. Thomas B. Pryor for the respondent.

Bernard B. Bailey,

Appellant,

49 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

Argued by Mr. Bernard B. Bailey, pro se, and by Mr. Abram P. Staples for the appellee. Leave granted appellant to file reply brief by Wednesday next.

Glass City Bank of Jeannette, Pennsylvania,

Petitioner,

50 vs.

The United States of America.

Argument commenced by Mr. Fred B. Trescher for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 16, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Edward A. Goubeaux, Jr., Esquire, of Greenville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis S. Ashman, It is ordered that Harry Davis Barnes, Esquire, of Elkton, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Melvin Goode, Esquire, of Albany, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Wesley Thackabury, It is ordered that Harold H. Streight, Esquire, of Los Angeles, State of California, and James Edmund Bednar, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Baum, It is ordered that Jacob Lewiton, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Barrick, It is ordered that John M. Wheeler, Jr., Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob D. Hyman, It is ordered that Charles P. Liff, Esquire, of New York, State of New York; Warren L. Sharfman, Esquire, of Washington, District of Columbia; and Harry M. Schneider, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oliver Bassuener, It is ordered that Edward M. Murphy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Richard Starrs, It is ordered that Brooks S. Larkin, Esquire, of Hillsboro, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton K. Eckert, It is ordered that Whitfield M. Marshall, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Dobson Miller, It is ordered that Dan M. Nee, Esquire, of Springfield, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Glass City Bank of Jeannette, Pennsylvania,

Petitioner,

50 vs.

The United States of America.

Argument continued by Mr. Fred B. Trescher for the petitioner, by Mr. Ralph F. Fuchs for the respondent, and concluded by Mr. Fred B. Trescher

for the petitioner. Leave granted petitioner to file reply brief by Friday next.

Forest E. Levers, Administrator, etc.,

Petitioner,

51 vs.

A. V. Anderson, District Supervisor, Alcohol Tax Unit.

Argued by Mr. Huston Thompson for the petitioner, by Mr. Robert L. Stern for the respondent, and concluded by Mr. Hugh H. Obear for the petitioner. Memorandum to be filed by Mr. Robert L. Stern.

Gange Lumber Company,

Appellant,

53 vs.

Ralph Rowley and Department of Labor and Industries of the State of Washington.

Argument commenced by Mr. T. J. Hanify for the appellant, and continued by Mr. Charles R. Carey for the appellee, Ralph Rowley.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Virgil Evans, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carroll L. Beedy, It is ordered that Hubbard P. Fellows, Esquire, of Rapid City, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that John M. Allison, Esquire, of Tampa, State of Florida, and Harry B. Terrell, Esquire, of Tampa, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde R. Hoey, It is ordered that Royce S. McClelland, Esquire, of Wilmington, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Carlos E. Schaper, Esquire, of Broken Bow, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred McCormack, It is ordered that John H. D. Wigger, Esquire, of Washington, District of Columbia, and Francis E. Holman, Esquire, of Seattle, State of Washington, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that Fred L. Henley, Esquire, of Caruthersville, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that Harriett Lull Alden, of Kansas City, State of Kansas; Bernhard W. Alden, Esquire, of Kansas City, State of Kansas; and Thomas Marion Van Cleave, Jr., Esquire, of Kansas City, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Matthew Jerome Kust, It is ordered that Frederick van Bouren Joy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Leahy, It is ordered that Francis T. McNicholas, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orrin G. Judd, It is ordered that Saul A. Shames, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris L. Heath, It is ordered that Isaac C. Donner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Horace B. Thompson, Esquire, of West Point, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Richard J. Relyea, 2d, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Henry Walter, It is ordered that John D. Hyde, Esquire, of Corpus Christi, State of Texas, and David Lieberman, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Gerald Toye, It is ordered that Murray Robinson, Esquire, of Houston, State of Texas, and Frank E. Mauritz, Esquire, of Oak Park, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Raymond E. Cookston, Esquire, of Lakewood, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Gange Lumber Company,

Appellant,

53 vs.

Ralph Rowley and Department of Labor and Industries of the State of Washington.

Argument continued by Mr. Harry Ellsworth Foster for the appellee, Department of Labor and Industries of the State of Washington, and concluded by Mr. T. J. Manify for the appellant.

Scott Paper Company,

Petitioner,

54 vs.

Marcalus Manufacturing Company, Inc., and Nicholas Marcalus.

Argued by Mr. George E. Middleton for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondents.

Oklahoma Press Publishing Company,

Petitioner,

61 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor; and

News Printing Co., Inc.,

Petitioner,

63 vs.

L. Metcalfe Walling, Administrator, etc.

Argument commenced by Mr. Elisha Hanson for the petitioners and continued by Mr. Irving J. Levy for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. George H. Mahon, It is ordered that E. M. DeGeurin, Esquire, of Austin, State of Texas, and Garland P. Smith, Esquire, of Houston, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Edward L. Foster, Esquire, of Silver Spring, State of Maryland, and Archibald Marison Mull, Jr., Esquire, of Sacramento, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Summers, It is ordered that Frank A. Blankenbeckler, Jr., Esquire, of Austin, State of Texas, and John V. Singleton, Jr., Esquire, of Houston, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emory H. Price, It is ordered that John C. Walters, Esquire, of Troy, State of Alabama; Harry E. Belflower, Esquire, of Jacksonville, State of Florida; and James A. Belflower, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Robert C. Hunter, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Newman, It is ordered that Richard J. Lally, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert G. Surridge, It is ordered that Robert McKenzie Gibson, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry James Harth, It is ordered that Morriss Franklin Wolfe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Merrick Irwin Campbell, It is ordered that Maurice B. Shapero, Esquire, of Norfolk, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Crawford, It is ordered that Frederick Zengel, III, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Mulroney, It is ordered that Walter H. Williams, Esquire, of Polson, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Calhoun W. J. Phelps, It is ordered that Walter Brewer, Jr., Esquire, of Toledo, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Sinclair Armstrong, It is ordered that Frantz B. Lilloe, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Clay Biggs, It is ordered that Clarence Robison, Esquire, of Shawnee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Oklahoma Press Publishing Company,

Petitioner,

61 vs.

L. Metcalfe Walling, Administrator
of the Wage and Hour Division,
United States Department of Labor; and

News Printing Co., Inc.,

Petitioner,

63 vs.

L. Metcalfe Walling, Administrator,
etc.

Argument continued by Mr. Irving J. Levy for the respondent and concluded by Mr. Elisha Hanson for the petitioners.

The East New York Savings Bank,

Appellant,

62 vs.

Alvin Hahn and Hannah Hahn.

Argued by Mr. John P. McGrath for the appellant and by Mr. Orrin G. Judd for the appellees.

General Electric Company,

Petitioner,

46 vs.

Jewell Incandescent Lamp Company, et al.

Argument commenced by Mr. Alexander G. Neave for the petitioner and continued by Mr. Samuel E. Darby, Jr., for the respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 19, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Roy E. Warden, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair Engle, It is ordered that Frank Kellogg Richardson, Esquire, of Oroville, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that James M. Ruhmann, Esquire, of Kenedy, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Sanders, It is ordered that John Spencer Taylor, Esquire, of Sullivan, State of Indiana; J. Olias Vanier, Esquire, of Sullivan, State of Indiana; and John T. Hays, Esquire, of Sullivan, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gwynn Gardiner, It is ordered that David H. Shearer, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth H. York, It is ordered that Merrill G. Windelberg, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael H. Cardozo, IV, It is ordered that John Newbold Hazard, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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General Electric Company,

Petitioner,

46 vs.

Jewell Incandescent Lamp Company, et al.

Argument continued by Mr. Samuel E. Darby, Jr., for the respondent and concluded by Mr. Alexander G. Neave for the petitioner.

Lillian Boehm,

Petitioner,

69 vs.

Commissioner of Internal Revenue.

Argued by Mr. Louis Boehm for the petitioner and by Mr. Walter J. Cummings, Jr., for the respondent.

James E. Markham, Alien Property Custodian, and W. Alexander Julian, Treasurer of the United States,

Petitioners,

76 vs.

Hartwell Cabell.

Argued by Mr. Paul A. Freund for the petitioners and by Mr. Hartwell Cabell for the respondent.

Better Business Bureau of Washington,
D. C., Inc.,

Petitioner,

52 vs.

The United States of America.

Argued by Mr. R. B. Lyon for the petitioner and by Mr. Joseph S. Platt for the respondent.

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Proclamation being made the Court is adjourned until Monday, October 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy, Associate Justices.
Wiley Rutledge,
Harold H. Burton.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Padjo Cravens, It is ordered that Howard Hasting, Esquire, of Mena, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Combs, It is ordered that Cecil E. Potter, Esquire, of Port Arthur, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh V. Murray, It is ordered that Clifford M. Raemer, Esquire, of Salem, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lincoln Rowland, It is ordered that Donald W. Hamblin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kermit C. Sitterley, It is ordered that John Milton Jamison, Esquire, of Houston, State of Texas, and Eugene H. BeHage, Esquire, of Rochester, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that John Robert Garner, Jr., Esquire, of Odum, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arne C. Wiprud, It is ordered that William R. Kueffner, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. B. Wilson, It is ordered that Pearl M. Wilson, of Flagstaff, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Walter J. Cummings, Jr., It is ordered that Darwin Charles Brown, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Warren, Jr., It is ordered that Alfred Ogden, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving S. Shapiro, It is ordered that Lawrence Weldon Laughlin, Esquire, of Mount Ayr, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herzel H. E. Plaine, It is ordered that Adrian Melvyn Unger, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General McGrath, It is ordered that Willimina Montague, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The United States of America,

Complainant,

12, Original vs.

State of California.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and process is ordered to issue returnable on December 28, next.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Robert H. McCoy,

Petitioner,

36, Misc. vs.

State of Utah.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wurmice King,

Petitioner,

37, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul F. King,

Petitioner,

38, Misc. vs.

John Horgan, Berkshire County Jail, Pittsfield, Massachusetts.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Marion G. Carson,

Petitioner,

39, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Jenkot,

Petitioner,

40, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Custer M. Coyle,

Petitioner,

41, Misc. vs.

People of the State of California.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

Custer M. Coyle,

Petitioner,

41, Misc. vs.

People of the State of California.

ON CONSIDERATION of the petition for appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Lober, Bondholder and Attorney in Fact for Lawrence Schrager, a Debentureholder, and Archibald Palmer,

Petitioners,

20, Misc. vs.

Morgan, Lewis & Bockius, et al.; and

Louis Lober, Bondholder and Attorney in Fact for Lawrence Schrager, a Debentureholder, and Archibald Palmer,

Petitioners,

21, Misc. vs.

Morgan, Lewis & Bockius, et al.

ON CONSIDERATION of the motion for leave to file a petition for writs of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Appellant,

59 vs.

Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased.

ON CONSIDERATION of the motion of counsel for the State of Texas for leave to present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this motion.

Louis Dabney Smith,

Petitioner,

66 vs.

The United States of America; and

William Murray Estep,

Petitioner,

292 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for petitioners in these cases for additional time to present oral argument,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied. The cases are consolidated for argument.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

National Labor Relations Board,

Petitioner, Order allowing certiorari.

319 vs.

Cheney California Lumber Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Arthur L. Bell, Individually and as an Associate of and Division Superintendent of "Mankind United", Etc., Et Al.,

Petitioners,

344 vs.

R. B. Hood, Theodore Cruise, Philip Bowser, Et Al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States,

Petitioner,

387 vs.

Alcea Band of Tillamooks, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration,

Petitioners,

238 vs.

Twin Falls County, Idaho.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Idaho is granted, and the case is transferred to the summary docket and assigned to follow No. 261.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Forrest S. Smith, Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al.,

Petitioners,

384 vs.

Hoboken Railroad Warehouse and Steamship Connecting Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. The Solicitor General is invited to file a brief and participate in the oral argument as amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter E. Meyer,

Petitioner,

392 vs.

Joseph B. Fleming and Aaron Colnon, as Trustees of The Chicago, Rock Island and Pacific Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank C. Walker, as Postmaster General of the United States,

Petitioner,

399 vs.

Esquire, Inc.

ON CONSIDERATION of the motion to substitute Robert E. Hannegan, present Postmaster General, as the party petitioner in this case in place of Frank C. Walker, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the case is so continued and maintained.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this motion.

Robert E. Hannegan, as Postmaster General of the United States,

Petitioner, Order allowing certiorari.

399 vs.

Esquire, Inc.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert E. Hannegan, as Postmaster General of the United States,

Petitioner,

399 vs.

Esquire, Inc.

ON CONSIDERATION of the motion of the American Civil Liberties Union for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this

Taze Hamrick Gibson,

Petitioner,

221 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Taze Hamrick Gibson,

Petitioner, Order allowing certiorari.

221 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

A. A. Sekt,

Petitioner, On petition for writ of certiorari to the Supreme Court of the State of California.

256 vs.

The Justice's Court of San Rafael Township, County of Marin, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Isidore Fried,

Petitioner,

298 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Sam Aloisio and William Aloisio,

Petitioners,

300 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank John Cerone,

Petitioner,

331 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Samuel Cerone and Frank John Cerone,

Petitioners,

332 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Schwartz,

Petitioner,

327 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. R. Mason,

Petitioner,

334 vs.

Banta Carbona Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas R. Purman,

Petitioner,

353 vs.

T. S. Fitch, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bill Hunnicutt,

Petitioner,

377 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

American Bowling & Billiard Corporation,

Petitioner,

378 vs.

The Brunswick-Balke-Collender Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lewis E. Nash, Petitioner, vs. Peter Raun. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

391

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mae Huffman, Petitioner, vs. Home Owners' Loan Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

394

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

F. T. Newton and Mrs. F. T. Newton, Petitioners, vs. Frank S. Glenn, Et Al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

395

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Salmon and Cowin, Inc., Mining Engineers and Contractors,

Petitioner,

396 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Tony Granieri, Bankrupt,

Petitioner,

401 vs.

Tony Blanche Schramm, Creditor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation et al.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter H. Duisberg,

Petitioner,

373 vs.

James E. Markham, as Alien Property Custodian.

ON CONSIDERATION of the motion of Abraham Hornstein to withdraw his appearance as counsel for the petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter H. Duisberg,

Petitioner,

373 vs.

James E. Markham, as Alien Property Custodian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In re Clyde Wilson Summers,

Petitioner.

205 O.T. 1944

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Burton took no part in the consideration or decision of this application.

The People of the State of New York, ex rel. Lawrence Rensing,

Petitioner,

205 vs.

Vernon A. Morhaus, Warden of Great Meadows Prison, Comstock, New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Burton took no part in the consideration or decision of this application.

James W. Waber,

Petitioner,

330 vs.

Montgomery Ward & Co., Incorporated, and United States Rubber Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Burton took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made, the Court is adjourned until Monday, November 5,

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Edith DeBusk, of Dallas, State of Texas; Manuel DeBusk, Esquire, of Dallas, State of Texas; and M. Sims Davidson, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Moe M. Tonkon, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Cossett, It is ordered that Tom Matheny Miller, Esquire, of Graham, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that W. Arlington Jones, Esquire, of Hattiesburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that Seymour W. Wurfel, Esquire, of San Diego, State of California; George W. McCleskey, Esquire, of Lubbock, State of Texas; and John B. Pope, Esquire, of Abilene, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Edward G. Krantz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that H. L. Allen, Esquire, of Winnfield, State of Louisiana, and Lyndon B. Allen, Esquire, of Winnfield, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Willard E. Dollahon, Esquire, of Houston, State of Texas, and J. Vincent Keogh, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Judson, It is ordered that Milton Braun Safier, Esquire, of Los Angeles, State of California; Louis Charles Beck, Esquire, of Pasadena, State of California; and Don C. Swanson, Esquire, of Webster City, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse Andrews, It is ordered that Harold Stanley Gish, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Eugene H. Houchins, Jr., Esquire, of Victoria, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Jacoby, It is ordered that Ray E. Dougherty, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. B. Wilson, It is ordered that Charles B. Wilson, Jr., Esquire, of Flagstaff, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Milton Jamison, It is ordered that Jack U. Scarborough, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Easby-Smith, It is ordered that Charles Orlando Pratt, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Palmer Hutcheson, It is ordered that Rupert N. Gresham, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. Bruce, It is ordered that Norman P. Anderson, Esquire, of Lake Charles, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Myers, It is ordered that Sidney D. Krystal, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Salant, It is ordered that John Ashley Wells, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter J. Cummings, Jr., It is ordered that Oren Root, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis K. Sunderlin, It is ordered that Felix Eugene Sklagen, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Mechlin, It is ordered that George Francis Vaia, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis D. Thill, It is ordered that John Donald McConahey, Esquire, of Sparta, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dan Moody, It is ordered that Earl A. Brown, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert B. Chipman, It is ordered that William Willner, Esquire, of Brooklyn, State of New York, and Robert A. Cavanaugh, Esquire, of Muskegon, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Whiteside, It is ordered that John A. V. Murphy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron L. Ford, It is ordered that Roy Robert Gean, Esquire, of Fort Smith, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Schoen, It is ordered that Stephen H. Fletcher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur B. Carton, It is ordered that Austin P. Sullivan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that Allen C. Phelps, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marcel Mallet-Prevost, It is ordered that Roman Beck, Esquire, of New York, State of New York, and Maurice A. Krisel, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Clifford Carlstedt, Esquire, of Duluth, State of Minnesota, and James E. Edwards, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Clifford Walck, It is ordered that Edward Van Davis, Esquire, of Anchorage, Territory of Alaska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Epstein, It is ordered that Lester Carl Boone, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Gwin, It is ordered that Marion B. Wilson, Esquire, of Takoma Park, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Interstate Commerce Commission, T. J. McCarthy Steamship Company and Automotive Trades Steamship Company,

Appellants,

22 vs.

Detroit and Cleveland Navigation Company, Great Lakes Transit Company and Nicholson Universal Steamship Company.

Appeal from the District Court of the United States for the Eastern District of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

General Electric Company,

Petitioner,

46 vs.

Jewel Incandescent Lamp Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The East New York Savings Bank, Appellant, vs. Alvin Hahn and Hannah Hahn. 62 — Appeal from the Supreme Court of the State of New York, County of Kings.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Kings, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, on the remittitur from the Court of Appeals of the State of New York, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Mr. Justice Rutledge concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Forest E. Levers, Administrator, etc., Petitioner, vs. A. V. Anderson, District Supervisor, Alcohol Tax Unit. 51 — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this

cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

In the Matter of Robert D. Michael, Petitioner.

38

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Middle District of Pennsylvania and the judgment of the Circuit Court of Appeals in this cause, be, and the same are hereby, reversed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Bernard B. Bailey, Appellant,

49 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of any

properly presented substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Asbury Hospital, a Corporation,
Appellant,
vs.
Cass County, North Dakota, a Public Corporation, R. P. Croal, as States Attorney of Cass County, North Dakota, et al.

Appeal from the Supreme Court of the State of North Dakota.

35

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Dakota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court as follows: The appeal in this cause is dismissed in part as indicated in the opinion of this Court. In all other respects the judgment of the Supreme Court of the State of North Dakota is affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that the appeal should be dismissed for the want of a substantial federal question.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chickasaw Nation,
Petitioner,
vs.
The United States.

On writ of certiorari to the Court of Claims.

170

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

Ethel Keeton, as Administratrix of the Estate of W. S. Keeton, Deceased,

Petitioner,

43 vs.

Guy A. Thompson, Trustee in Bankruptcy for the Missouri Pacific Railroad Company.

On writ of certiorari to the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

William Wallace McCallum,

Appellant,

421 vs.

The Board of Managers and the Grievance Committee of the Chicago Bar Association.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

The United States of America,

Appellant,

474 vs.

Joseph L. Carbone, Vincent Di Numno, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

The United States of America,

Appellant,

447 vs.

Sheldon Maurice Anderson.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits. The case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 O.T. 1944 vs.

C. W. Burley et al.

ON CONSIDERATION of the motion of the Railway Labor Executives' Association for leave to appear and participate in the oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same

is hereby, denied. Leave is granted to file additional brief if so advised.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

William H. Griffin,

Petitioner,

86 vs.

Grace H. Griffin.

ON CONSIDERATION of the motion of the respondent in this case for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Clarence B. Bernard,

Petitioner,

42, Misc. vs.

J. LeRoy Wright, Warden, Maryland House of Correction.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hughes R. Hilliard,

Petitioner,

47, Misc. vs.

James A. Johnston, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Paul Young,

Petitioner.

46, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hughes R. Hilliard,

Petitioner,

48, Misc. vs.

Michael J. Roche, Judge, United States District Court, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hughes R. Hilliard,

Petitioner,

49, Misc. vs.

James A. Johnston, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same

is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henri Young,

Petitioner,

45, Misc. vs.

A. F. St. Sure, District Judge for the Northern District of California.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Henri Young,

Petitioner.

43, Misc.

ON CONSIDERATION of the application submitted herein by Henri Young,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Wallace Bantz,

Petitioner,

44, Misc. vs.

P. J. Squier, Warden, etc.

ON CONSIDERATION of the application submitted herein by Fred Wallace Bantz,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alpine MacGregor, Petitioner,

410 vs.

Westinghouse Electric & Manufacturing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jerome F. Duggan, Trustee of the Estates of Christopher Engineering Company and National Aircraft Corporation, Petitioner,

418 vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

National Aircraft Corporation, Order allowing certiorari.

Petitioner,

419 vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Emory S. Land, Individually and as Chairman of the United States Maritime Commission, et al., Order allowing certiorari.

Petitioners,

435 vs.

Waterman Steamship Corporation.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Florence B. Bigelow, Marion B. Koerber, John E. Bloom and William C. Bloom, Order allowing certiorari.

Petitioners,

444 vs.

R K O Radio Pictures, Inc., Loew's, Incorporated, Twentieth Century-Fox Film Corporation, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John D. Pennekamp and The Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Swanson,

Petitioner,

405 vs.

Marra Brothers, Inc.

ON CONSIDERATION of the motion for leave to proceed on typewritten petition, brief and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Charles Swanson, Order allowing certiorari.

Petitioner,

405 vs.

Marra Brothers, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Montgomery Ward & Co., Incorporated, Sewell L. Avery, Clement D. Ryan, et al., Order allowing certiorari.

Petitioners,

408 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Montgomery Ward & Co., Incorporated, Sewell L. Avery, Clement D. Ryan, et al., On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

Petitioners,

408 vs.

The United States of America.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with directions to dismiss the cause as moot.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue, Petitioner, vs. Charles T. Fisher, et al., Executors of the Estate of Fred J. Fisher, and Bertha M. Fisher. — Order allowing certiorari.

452

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Christine Collins, A. J. Cummins, Yancey Lee Cummins and Edward J. Miller, Petitioners, vs. Chester Bowles, Price Administrator. — Order allowing certiorari.

393

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Utah Junk Company, Petitioner, vs. Chester Bowles, Price Administrator. Order allowing certiorari.

400

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kennecott Copper Corporation, Petitioner, vs. State Tax Commission, et al. Order allowing certiorari.

424

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

Silver King Coalition Mines Company, Order allowing certiorari.

Petitioner,

425 vs.

State Tax Commission, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, On petition for writ of certiorari

Petitioner, to The Court of Claims.

388 vs.

Horace Havemeyer.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Horace Havemeyer, On petition for writ of certiorari

Petitioner, to The Court of Claims.

389 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank Madaffer,

Petitioner,

406 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Commonwealth of Virginia, ex rel. Town of Appalachia, Virginia, Fritz Kleinick, Trading as Kleinick Motor Co., et al.,

Petitioners,

407 vs.

Old Dominion Power Company, Inc.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Great Lakes Dredge and Dock Company,

Petitioner,

412 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bay State Dredging & Contracting Company,

Petitioner,

413 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Benjamin Hall,

Petitioner,

414 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Meinel Motors, Inc., and Elmer W. Meinel,

Petitioners,

415 vs.

Chester Bowles, Price Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Obear-Nester Glass Company,
Petitioner,
416 vs.
United Drug Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Daisy B. Horst, Executrix of the Estate of E. Clemens Horst, Deceased,
Petitioner,
417 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Arthur McAleenan, Henry J. McAleenan, H. Alvin McAleenan, et al.,
Petitioners,
423 vs.
George D. Horning, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Intercounty Operating Corporation and Salonga Farms, Inc.,

Petitioners,

426 vs.

County of Nassau.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Intercounty Operating Corporation,

Petitioner,

427 vs.

Grace E. Connolly.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Moses B. Sherr,

Petitioner,

429 vs.

Anaconda Wire and Cable Company and the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kastar, Incorporated,
Petitioner,
432 vs.
Helen S. Clair and John H. Lane, Copartners Doing Business Under the Name and Style of Anti-Shimmie Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Capital Transit Company,
Petitioner,
434 vs.
Julia S. Jackson.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

M. M. Argo,
Petitioner,
436 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cornucopia Gold Mines, a Private Corporation,

Petitioner,

437 vs.

Carl Locken, Administrator of the Estate of Anna Locken, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

C. C. Fletcher and E. E. Wakeman, as Surviving Trustees of The Standard Bentonite Company, a Trust,

Petitioners,

439 vs.

Frank G. Clark, as Collector of Internal Revenue for The Collection District of Wyoming.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Schlecter,

Petitioner,

442 vs.

John F. Foster, Warden of Auburn Prison, Auburn, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Lincoln National Life Insurance Company,

Petitioner,

445 vs.

State Tax Commission and Greek L. Rice, Attorney General of the State of Mississippi.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Federal Land Bank of Berkeley,

Petitioner,

450 vs.

Florence Davis Smith and Harvey W. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Commercial Discount Company,

Petitioner,

453 vs.

Ethel Strickland Rogan, Executrix of the Last Will and Testament of Nat Rogan, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ethel Kresberg,

Petitioner,

459 vs.

International Paper Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Howard L. Kerfoot, as Administrator of the Goods, Chattels and Credits of Madeline Meredith Kerfoot, Deceased,

Petitioner,

460 vs.

Ruth Kelley.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carnegie-Illinois Steel Corporation,

Petitioner,

471 vs.

George P. Alderson, In His Official Capacity as Tax Commissioner of the State of West Virginia, etc.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Weirton Steel Company,

Petitioner,

483 vs.

Costanzo Coal Mining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pond Fork Oil & Gas Company,

Petitioner,

504 vs.

Albert H. Cole, et al., Trustee of the Cole & Crane Real Estate Trust.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

United States, ex rel. William A. Doss,

Petitioner,

470 vs.

E. E. Lindsley, Sheriff, Piatt County, Illinois.

ON CONSIDERATION of the motion to print an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

United States, ex rel. William A. Doss, Petitioner, vs. E. E. Lindsley, Sheriff, Piatt County, Illinois.

470

On petition for writ of certiorari to the Circuit Court of Piatt County of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Piatt County of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John S. Kuzmack, Petitioner, vs. The United States of America.

209

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis, and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William G. Hickok, Petitioner, vs. Walter A. Hunter, Warden.

239

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elbert J. Burns, Alias E. J. Burns,

Petitioner,

228 vs.

The State of Alabama.

The order of Mr. Justice Murphy granting a stay of execution herein is vacated.

Per Mr. Chief Justice Stone.

Elbert J. Burns, Alias E. J. Burns, Petitioner, 228 vs. The State of Alabama. — On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this application.

Ex parte George Albert Brown,

Petitioner.

____ O.T. 1944

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Dewey White,

Petitioner,

212 O.T. 1944 vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Basil Banghart,

Petitioner,

1212 O.T. 1944 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Maxwell P. Oxman,

Petitioner,

1244 O.T. 1944 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Hughes R. Hilliard,

Petitioner,

30, Misc. vs.

James A. Johnston, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

David A. Marmon and Charles Weiss,

Petitioners,

70 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Timken-Detroit Axle Company,

Petitioner,

137 vs.

Cleveland Steel Products Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

David A. Marmon and Charles Weiss,

Petitioners,

140 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wade H. Cooper,

Petitioner,

147 vs.

R. C. Parsons, Receiver of the United States Savings Bank.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wells Lamont Corporation,

Petitioner,

181 vs.

Chester Bowles, Price Administrator, and James G. Rogers, Acting Administrator.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

The Standard Register Company,

Petitioner,

202 vs.

American Sales Book Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

A. S. Genecov,

Petitioner,

212 vs.

State of Texas and R. A. Schmidt, Sheriff, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Southern California Freight Lines,

Petitioner,

245 vs.

Charles T. McKeown.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Edith Nycum,

Petitioner,

275 vs.

City of Altoona, State of Pennsylvania.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

County of Thurston in the State of Nebraska, et al.,

Petitioners,

352 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Stockholders' Committee of the
Universal Lubricating Systems, Inc.,

Petitioner,

359 vs.

Austin L. Staley, Trustee in
Reorganization for the Universal
Lubricating Systems, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day entered.

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Joachim O. Fernandez, United States
Collector of Internal Revenue,

Appellant,

58 vs.

Samuel G. Wiener, William B.
Wiener, et al.

Argument commenced by Mr. Assistant Attorney General Clark for the appellant, continued by Mr. Sidney L. Herold and Mr. Charles E. Dunbar, Jr., for the appellees, and Mr. Max Radin for the States of California, et al., amici curiae by special leave of Court.

The United States of America,

Appellant,

59 vs.

Henry Hompel, Jr., Administrator
De Bonis Non Cum Testamento Annexo
of Ernest Herbst, Deceased.

Argument commenced by Mr. Assistant Attorney General Clark for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 6, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Zeamore A. Ader, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hayden C. Covington, It is ordered that Curran Earle Cooley, Esquire, of Anderson, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that George M. Snellings, Jr., Esquire, of Monroe, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Lincoln Battenfield, Esquire, of Pryor, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale C. Dillon, It is ordered that Fred W. Chase, Esquire, of Glendale, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn Parker, It is ordered that Ralph E. Meyers, Esquire, of Rawlins, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Harold Hutchinson, It is ordered that Harold Marvin Fredrikson, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis C. Sullivan, It is ordered that Norman Roth, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard M. Ettenson, It is ordered that Charles Thomas Smith, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene H. DeWare, It is ordered that Frederick Lawson Barnes, Esquire, of Syracuse, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that William Lawrence McGovern, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Woods, Jr., It is ordered that James Glenn Shehee, Esquire, of Chicago, State of Illinois, and John Milton Phillips, Esquire, of Kansas City, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Hulsy, It is ordered that Thomas Edward Huey, Jr., Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Firestone, It is ordered that Thomas S. Session, Esquire, of Peoria, State of Illinois; Irwin J. Askow, Esquire, of Chicago, State of Illinois; William C. Fox, Jr., Esquire, of New London, State of Connecticut; Joseph R. Gray, Esquire, of Chicago, State of Illinois; and Richard W. Bishop, Esquire, of Medford, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William T. Matthews, It is ordered that Alfred Mahn Joslin, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Conradis, It is ordered that William Muirhead Adams, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

59 vs.

Henry Rompel, Jr., Administrator
De Bonis Non Cum Testamento Annexo
of Ernest Herbst, Deceased.

Argument continued by Mr. Assistant Attorney General Clark for the appellant; by Mr. Harry C. Weeks and Mr. J. Paul Jackson for the appellee; and concluded by Mr. Palmer Hutcheson for the State of Texas, as amicus curiae, by special leave of Court.

Kirby Petroleum Company,

Petitioner,

56 vs.

Commissioner of Internal Revenue.

Argued by Mr. Homer L. Bruce for the petitioner and by Miss Helen R. Carloss for the respondent.

Commissioner of Internal Revenue,

Petitioner,

197 vs.

Anna Vickers Crawford.

Argument commenced by Miss Helen R. Carloss for the petitioner and continued by Mr. Sidney D. Krystal for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, NOVEMBER 7, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Olin A. Rogers, Esquire, of Richmond, Commonwealth of Virginia; J. Elliott Drinard, Esquire, of Richmond, Commonwealth of Virginia; and Horace H. Edwards, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Hemphill, It is ordered that Paul Hemphill, Esquire, of Chester, State of South Carolina, and Robert W. Hemphill, Esquire, of Chester, State of South Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Burns, It is ordered that Raymond Underwood, Esquire, of Washington, District of Columbia, and Vernon Harden Doane, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Rogers, It is ordered that Van Cott Niven, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Baker, It is ordered that L. J. H. Herwig, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this

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Commissioner of Internal Revenue,

Petitioner,

197 vs.

Anna Vickers Crawford.

Argument continued by Mr. Sidney D. Krystal for the respondent and concluded by Miss Helen R. Carloss for the petitioner.

Louis Dabney Smith,

Petitioner,

66 vs.

The United States of America; and

William Murray Estep,

Petitioner,

292 vs.

The United States of America.

Argued by Mr. Hayden C. Covington for the petitioners and by Mr. Irving S. Shapiro for the respondent.

The American Tobacco Company, American Suppliers, Inc., et al.,

Petitioners,

18 vs.

The United States of America;

Liggett & Myers Tobacco Company, et al.,

Petitioners,

19 vs.

The United States of America; and

THURSDAY, NOVEMBER 8, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Leonard J. Emmerglick, Esquire, of Arlington, Commonwealth of Virginia, and Sidney A. Diamond, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that John M. Lostutter, Esquire, of Emporia, State of Kansas, and Peter Hamilton Willems, Esquire, of McPherson, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that William Meade Fletcher, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Joseph L. Alioto, Esquire, of San Francisco, State of California, and H. Gardner Putnam, Esquire, of La Jolla, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

R. J. Reynolds Tobacco Company,
William N. Reynolds, et al.,

Petitioners,

20 vs.

The United States of America.

Four hours allowed for argument. Argument commenced by Mr. George W. Whiteside for the petitioners in No. 18 and continued by Mr. Milton Handler for the petitioners in No. 18.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

On motion first made to the Court in this behalf by Mr. Harry James Marth, It is ordered that Harry Harrison Baker, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. D. Stewart, It is ordered that Mahlon E. Lewis, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and Thomas W. Pomeroy, Jr., Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Horne, It is ordered that Harry E. Brown, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The American Tobacco Company,
American Suppliers, Inc., et al.,

Petitioners,

18 vs.

The United States of America;

Liggett & Myers Tobacco Company,
et al.,

Petitioners,

19 vs.

The United States of America; and

R. J. Reynolds Tobacco Company,
William N. Reynolds, et al.,

Petitioners,

20 vs.

The United States of America.

Argument continued by Mr. Milton Handler for the petitioners in No. 18, by Mr. Bethuel M. Webster for the petitioners in No. 19, by Mr. Harold F. McGuire for the petitioners in No. 20, by Mr. Assistant Attorney General Berge for the respondent, and concluded by Mr. Harold F. McGuire for the petitioners in No. 20.

Dorothy Nippert,

Appellant,

72 vs.

City of Richmond.

Argued by Mr. Cornelius H. Doherty for the appellant and by Mr. Horace H. Edwards for the appellee.

Champlin Refining Company,

Appellant,

75 vs.

The United States of America and
Interstate Commerce Commission.

Argument commenced by Mr. Dan Moody for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, NOVEMBER 9, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Clyde R. Hoey, It is ordered that Henry B. Edwards, Esquire, of Shelby, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Van Cott Niven, It is ordered that James A. Callahan, Esquire, of Winnemucca, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Mahar, It is ordered that James E. Magner, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that George W. Wilkins, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. V. C. Shuttleworth, It is ordered that Carl S. Huebler, Esquire, of Maplewood, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Lewis Kirkpatrick, It is ordered that Craddock Matthew Gilmour, Esquire, of New York, State of New York, and John Pat. Little, Esquire, of New Orleans, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that Edward Charles Preutel, Jr., Esquire, of Aledo, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Thomas Ainslie Molloy, It is ordered that Eugene P. Fitzpatrick, Esquire, of Washington, District of Columbia, and George B. Cameron, Esquire, of Forest Hills, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton M. Burke, It is ordered that George M. Aronwald, Esquire, of New York, State of New York, and Dan Piver, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Perry J. Armstrong, Esquire, of Madison, State of Wisconsin; T. Carroll Sizer, Esquire, of Washington, District of Columbia; and Robert R. Reynolds, Jr., Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ashley Wells, It is ordered that Vernes Grafstrom, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Isadore Greenberg, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Champlin Refining Company,

Appellant,

75 vs.

The United States of America and
Interstate Commerce Commission.

Argument continued by Mr. Dan Moody for the appellant, by Mr. Edward Dumbauld for the appellees, and concluded by Mr. Dan Moody for the appellant.

Order of Railway Conductors of
America, H. W. Fraser, President Thereof,
et al.,

Petitioners,

37 vs.

Shelton Pitney and Walter P. Gardner,
Trustees of Central Railroad Co. of
New Jersey, et al.

Argued by Mr. V. C. Shuttleworth for the petitioners and by Mr. Harry Lane for the respondents, Brotherhood of Railroad Trainmen et al., and by Mr. Richard J. Lally for the respondents, Shelton Pitney, et al., Trustees of Central Railroad Co. of New Jersey.

Mine Safety Appliances Company,

Appellant,

71 vs.

James V. Forrestal.

Leave granted Mr. David L. Kreeger to appear and present oral argument for the appellee, pro hac vice, on motion of Mr. Robert L. Stern.

Mine Safety Appliances Company,

Appellant,

71 vs.

James V. Forrestal.

Argument commenced by Mr. W. Denning Stewart for the appellant.

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Proclamation being made the Court is adjourned until Tuesday, November 13,

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General McGrath, It is ordered that John Lockley, Esquire, of Washington, District of Columbia; John F. Costelloe, Esquire, of Arlington, Commonwealth of Virginia; and Charles B. Murray, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Neth Lowe Leachman, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Fred Neilson Rogers, Esquire, of Sherman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Donnally, It is ordered that Charles A. Lee, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Denny, Jr., It is ordered that Rosel H. Hyde, Esquire, of Downey, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence J. Bernard, It is ordered that Henry C. Lowenhaupt, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Chambers, It is ordered that Ralph D. Elmer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren W. Gardner, It is ordered that John P. Frank, Esquire, of Appleton, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Nicholas Ivins, It is ordered that R. W. Kemmer, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Harry Phillips, It is ordered that Robert L. Forrester, Esquire, of Watertown, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. McInerney, It is ordered that Morton P. Chiles, Jr., Esquire, of Independence, State of Missouri; Burton F. Wiand, Esquire, of Kansas City, State of Missouri; and Joseph T. Logue, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Ellsworth Tucker, It is ordered that Lowell P. Mickelwait, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Henry Kutz, It is ordered that Isidor Lazarus, Esquire, of Washington, District of Columbia, and Sidney R. Fleisher, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry M. Plotkin, It is ordered that Philip Halpern, Esquire, of Buffalo, State of New York, and Max Goldman, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that John H. Tolan, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mayo A. Darling, It is ordered that Arthur J. McLaughlin, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Gange Lumber Company,

Appellant,

vs.

Ralph Rowley and Department of Labor and Industries of the State of Washington.

Appeal from the Supreme Court of the State of Washington.

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THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed with costs.

Per Mr. Justice Rutledge.

Mr. Justice Black concurs in the dismissal of the appeal but for the reason given in his concurrence.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Separate opinion by Mr. Justice Douglas in which Mr. Justice Burton concurs.

Better Business Bureau of Washington, D. C., Inc.,

Petitioner,

52 vs.

The United States of America.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Lillian Boehm,

Petitioner,

69 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Henry Hawk,

Petitioner,

17 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On writ of certiorari to the Supreme Court of the State of Nebraska.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Glass City Bank of Jeannette, Pennsylvania,

Petitioner,

50 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter and Mr. Justice Douglas join.

Scott Paper Company,

Petitioner,

54 vs.

Marcalus Manufacturing Company, Inc., and Nicholas Marcalus.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk.

American Federation of Labor, Metal Trades Department, A.F. of L., et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the arguments will be limited to the questions of the jurisdiction of the District Court under Section 266 of the Judicial Code, as amended (28 U.S.C. 380), and its jurisdiction as a court of equity.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

Edward J. Reagan,

Petitioner,

50, Misc. vs.

State of Utah.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bruce's Juices, Inc., Order allowing certiorari.

Petitioner,

402 vs.

American Can Company.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jack Davis, Order allowing certiorari.

Petitioner,

404 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gus Kotteakos and Michael Lekacos, Order allowing certiorari.

Petitioners,

457 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Nathan Regenbogen, Order allowing certiorari.

Petitioner,

458 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, Deceased, Order allowing certiorari.

Petitioner,

484 vs.

The Pennsylvania Railroad Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charlotte C. Worley, Debtor,

Petitioner,

443 vs.

Charles W. Wahlquist, Francis M. Whitlock, as Administrator of the Estate of Sarah E. Whitlock, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herman J. Rubenstein,

Petitioner,

449 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. W. Barnett, Sr., Mrs. J. W. Barnett, Sr., and J. W. Barnett, Jr.,

Petitioners,

451 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Oristile Gros,

Petitioner,

468 vs.

State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Augusta M. Turner,

Petitioner,

490 vs.

Carl A. Luer, William J. Luer, Herman F. Luer, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Emigrant Industrial Savings Bank,

Petitioner,

497 vs.

R. Albert Baldwin, Stephen Hannan, James Tully, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Josh David Smith, as Administrator of the Goods, Chattels and Credits of Charles Lee Smith, Deceased, et al., etc.,

Petitioners,

514 vs.

Town of Orangetown and Max Friedman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Braulio Malim Gancy,

Petitioner,

303 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on the typewritten petition and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Braulio Malim Gancy,

Petitioner,

303 vs.

The United States of America.

ON CONSIDERATION of the motion to defer consideration of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Braulio Malim Gancy,

Petitioner,

303 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

S. Livingston Mather,

Petitioner,

455 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Testamentary Trust U/W of Samuel Mather, Deceased, William G. Mather and S. Livingston Mather, Trustees,

Petitioner,

456 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Lonnie Strong,

Petitioner,

253 vs.

Ray L. Huff, General Superintendent, D. C. Penal Institutions.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Monroe D. Neely, Petitioner,

270 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lee Van Woods, Petitioner,

351 vs.

Walter Wierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Vernon Mitchell, Petitioner,

364 vs.

Thos. E. Whitecotton, Warden,
Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward J. Collins,

Petitioner,

397 vs.

Tom Smith, Superintendent of the Washington State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert and Ollen Grimes,

Petitioners,

403 vs.

Robert A. Heinze, Warden of the California State Prison at Folsom.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Andrew Rusnak,

Petitioner,

478 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter Mitchell,

Petitioner,

485 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Edward Hawkins,

Petitioner,

488 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

United States, ex rel. John H. Rooney,

Petitioner,

374 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is

hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The People of the State of Illinois, ex rel. Robert George Banks,

Petitioner,

390 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ralph R. Renninger,

Petitioner,

461 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court, Seneca County, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry P. Berry,

Petitioner,

464 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Willie Humble,

Petitioner,

465 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of George R. Wilson,

Petitioner.

24, Misc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Kingdom William De Normand, et al.,

Petitioners,

208 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cloverleaf Butter Company,

Petitioner,

295 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Arundel Corporation,

Petitioner,

297 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. R. Mason,

Petitioner,

334 vs.

Santa Carbona Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert Noble et al.,

Petitioners,

_____ 1944 vs.

Claude O. Botkin.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Harry Pyle,

Petitioner,

236 vs.

Milton F. Amrine, Warden of the Kansas State Penitentiary.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wldric Thompson, Jr.,

Petitioner,

68 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Robert W. Johnson, Thelma B. Johnson, P. A. McIntosh, et al.,

Appellants,

141 vs.

Meagher County, a Political Subdivision of the State of Montana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Michael J. Cryne,

Petitioner,

154 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Deaton Truck Line, Inc.,

Appellant,

215 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Samuel H. Moss, Inc.,

Petitioner,

230 vs.

Federal Trade Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

O R D E R

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice
For the Second Circuit,	Stanley Reed,	Associate Justice
For the Third Circuit,	Harold H. Burton,	Associate Justice
For the Fourth Circuit,	Harlan F. Stone,	Chief Justice
For the Fifth Circuit,	Hugo L. Black,	Associate Justice
For the Sixth Circuit,	Stanley Reed,	Associate Justice
For the Seventh Circuit,	Frank Murphy,	Associate Justice
For the Eighth Circuit,	Wiley Rutledge,	Associate Justice
For the Ninth Circuit,	William O. Douglas,	Associate Justice

For the Tenth Circuit, Wiley Rutledge, Associate Justice

For the District of Columbia, Harlan F. Stone, Chief Justice

Per Mr. Chief Justice Stone.

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The Court will take a recess from Monday, November 19, until Monday, December 3, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Perrin D. McElroy, Secretary and Business Manager of the Building and Construction Trades Council of Kansas City, Missouri, et al.,

Appellants,

593 vs.

A. B. Mitchell, Attorney General of Kansas, Frank J. Ryan, Secretary of State of Kansas, et al., etc.; and

A. B. Mitchell, Attorney General of Kansas, Frank J. Ryan, Secretary of State of Kansas, et al., etc.,

Appellants,

594 vs.

Perrin D. McElroy, Secretary and Business Manager of the Building and Construction Trades Council of Kansas City, Missouri, et al.

Appeals from the District Court of the United States for the District of Kansas.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the appeals in this cause, costs to be equally divided.

THEREFORE, pursuant to said stipulation, it is ordered by this Court that the appeals herein be, and the same are hereby, dismissed, costs to be equally divided.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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Mine Safety Appliances Company,

Appellant,

71 vs.

James V. Forrestal.

Argument continued by Mr. W. Denning Stewart for the appellant, by Mr. David L. Kreeger for the appellee, pro hac vice, by special leave of Court, and concluded by Mr. W. Denning Stewart for the appellant.

Ashbacker Radio Corporation,

Petitioner,

65 vs.

Federal Communications Commission.

Argued by Mr. Paul M. Segal for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

The United States of America and
Federal Communications Commission,

Appellants,

55 vs.

New York Telephone Company.

Argument commenced by Mr. Harry M. Plotkin for the appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. John F. Richter, It is ordered that Wharton T. Funk, Esquire, of Seattle, State of Washington, and John M. Marshall, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry A. Bernbach, It is ordered that Leon Himmelfarbe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Emmerglick, It is ordered that Augustus C. Studer, Jr., Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that Hugh L. Brownfield, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bennett Boskey, It is ordered that M. S. Isenbergh, Esquire, of Peekskill, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mason Ladd, It is ordered that Clark Byse, Esquire, of Iowa City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry C. Lawton, It is ordered that Clement T. Mayo, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Bernard A. Helfat, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that Arthur Leo Petersen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel Campbell Bryan, It is ordered that Harry M. Hoffheimer, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Craig Peacock, It is ordered that Kenneth Perry, Esquire, of New Brunswick, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Kenneth Lawing, Esquire, of Ozark, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America and Federal Communications Commission,

Appellants,

55 vs.

New York Telephone Company.

Argument continued by Mr. Harry M. Plotkin for the appellants and concluded by Mr. Henry J. Friendly for the appellee.

Railroad Retirement Board, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees and George M. Harrison,

Petitioners,

95 vs.

Duquesne Warehouse Company; and

Duquesne Warehouse Company,

Petitioner,

103 vs.

Railroad Retirement Board and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, et al.

Argument commenced by Mr. Robert L. Stern for Railroad Retirement Board; continued by Mr. Willard H. McEwen for Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees, et al.; by Mr. John Dickinson for Duquesne Warehouse Company; and concluded by Mr. Robert L. Stern for Railroad Retirement Board.

International Shoe Company,

Appellant,

107 vs.

State of Washington, Office of Unemployment Compensation and Placement, and E. B. Riley, Commissioner.

Argued by Mr. Henry C. Lowenhaupt for the appellant and by Mr. George W. Wilkins for the appellees.

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Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Ben Connally, It is ordered that Dorsey B. Hardeman, Esquire, of San Angelo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Arthur W. Skaer, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Wesley Roberts, Jr., It is ordered that Elias Alfred Karu, Esquire, of Harrison, State of New Jersey, and James L. Riley, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Oscar Arthur Tannenbaum, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Leahy, It is ordered that Emanuel Tucker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald T. Turner, It is ordered that William A. Abrams, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. G. Hedrick, It is ordered that George H. Ward, Esquire, of Asheville, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Winkey, It is ordered that Floyd R. Henny, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Whitehead, It is ordered that Thomas B. Mason, Esquire, of Lynchburg, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilson L. Townsend, It is ordered that Delmar W. Holloman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Egan Shea, It is ordered that Edward Oliver Lamb, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Hookstaver, It is ordered that Douglass Boardman Lee, Esquire, of Ithaca, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Railway, It is ordered that Henry Kaiser, Esquire, of Washington, District of Columbia, and Raymond J. Moore, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Bronz, It is ordered that Selig J. Levitan, Esquire, of Scarsdale, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Ulysses Erwin Sibley, Esquire, of Milledgeville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The North American Company,

Petitioner,

1 vs.

Securities and Exchange Commission.

Argued by Mr. Charles E. Hughes, Jr., for the petitioner and by Mr. Solicitor General McGrath and Mr. Paul A. Freund for the respondent.

Securities and Exchange Commission,

Petitioner,

2 vs.

Engineers Public Service Company et al.;
and

Engineers Public Service Company et al.,

Petitioners,

3 vs.

Securities and Exchange Commission.

Three and one-half hours allowed for argument. Argument commenced by Mr. William E. Tucker and continued by Mr. T. Justin Moore for Engineers Public Service Company et al.

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Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy, Associate Justices.
Wiley Rutledge,
Harold H. Burton.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that Philip James McCook, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Samuel Rosenblatt, Esquire, of Montclair, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Andrew B. Pugh, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin Allan Swingle, It is ordered that Allan C. Swingle, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Max M. Cuba, Esquire, of Atlanta, State of Georgia, and Joseph Cuba, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert G. Surridge, It is ordered that Dennis L. O'Connor, Esquire, of Mamaroneck, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis P. Maniatis, It is ordered that Lancelot Armstrong, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Myron Lamun, Esquire, of Oklahoma City, State of Oklahoma, and Tom W. Garrett, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Alton Denslow, It is ordered that James Wilson Young, Esquire, of Bayport, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Sterling Youngman, Jr., It is ordered that M. Quinn Shaughnessy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manford Edward Nelson, It is ordered that John B. Olverson, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation et al.

ON CONSIDERATION of the application of Mrs. Bertha Florence Sabin to extend the time within which to file supplement to the petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including December 14, next.

Per Mr. Chief Justice Stone.

Faze Hamrick Gibson,

Petitioner,

221 vs.

The United States of America.

O R D E R

The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C., Sec. 832.

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Securities and Exchange Commission,

Petitioner,

2 vs.

Engineers Public Service Company et al.; and

Engineers Public Service Company et al.,

Petitioners,

3 vs.

Securities and Exchange Commission.

Argument concluded by Mr. Milton V. Freeman for the Securities and Exchange Commission.

American Power & Light Company,

Petitioner,

6 vs.

Securities and Exchange Commission; and

Electric Power & Light Corporation,

Petitioner,

7 vs.

Securities and Exchange Commission.

Argued by Mr. John P. MacLane for the petitioners; by Mr. Arthur A. Ballantine for the petitioner in No. 6; by Mr. Daniel James for the petitioner in No. 7; and by Mr. Roger S. Foster for the respondent.

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Proclamation being made the Court is adjourned until Monday, November 19, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Attorney General Tom C. Clark, It is ordered that Lyle M. Turner, Esquire, of Washington, District of Columbia; Robert M. Donihi, Esquire, of Nashville, State of Tennessee; and Harvey L. Davis, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that H. W. Edwards, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Judson, It is ordered that Aaron Lewittes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that Andrew Revelle McMicken, Esquire, of Rawlins, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that John Joseph Winberry, Esquire, of Rutherford, State of New Jersey, and Daniel Arthur Hruska, Esquire, of Bellville, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. Weiss, It is ordered that Philip M. Klutznick, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur A. Alexander, It is ordered that William Howard Tate, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Willis L. M. Reese, Esquire, of New York, State of New York, and Isaiah Guyman Martin, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony M. Ursich, It is ordered that James R. Hoover, Esquire, of Olathe, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard A. Helfat, It is ordered that Kirk Jeffrey, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley Farrar Brewster, It is ordered that William Davis Cotton, Esquire, of Rayville, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Heywood Hardy, It is ordered that William F. Patterson, Jr., Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Hiss, It is ordered that William Glasgow Reynolds, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Leo F. Lightner, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Gravelle, It is ordered that Dallas E. W. Galbraith, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Peacock, It is ordered that Philip S. Agar, Esquire, of New York, State of New York, and John C. Weld, Esquire, of Lake Clear, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that Frederic B. Trimble, Esquire, of Moorestown, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Robert R. Carman, Esquire, of Baltimore, State of Maryland, and R. Bayly Chapman, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Martin J. Bernards and Lena Bernards,

Petitioners,

2, O.T. 1941 vs.

M. R. Johnson, Catherine Collins, The United States National Bank of Portland et al.

ON CONSIDERATION of the motion to recall the mandate in this case,

It is ordered by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

In the Matter of William Fraser,

Petitioner.

51, Misc.

ON CONSIDERATION of the application submitted herein by William Fraser,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Champlin Refining Company,

Appellant,

75 vs.

The United States of America and Interstate Commerce Commission.

This case is restored to the docket for reargument before a full bench.

Per Mr. Chief Justice Stone.

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George C. Holmberg, et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis,

Petitioners,

505 vs.

Charles Armbrecht, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

D. A. Schulte, Inc.,

Petitioner,

517 vs.

Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Order of United Commercial Travelers of America, — Order allowing certiorari.

Petitioner,

556 vs.

Edward C. Wolfe.

The petition herein for a writ of certiorari to the Supreme Court of the State of South Dakota is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph D. McGoldrick, Comptroller of the City of New York, et al., — Order allowing certiorari.

Petitioners,

518 vs.

Carter & Weekes Stevedoring Company.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph D. McGoldrick, Comptroller of the City of New York, et al., — Order allowing certiorari.

Petitioners,

519 vs.

John T. Clark & Son.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. Fields,

Petitioner,

480 vs.

R. W. Ferguson and Goldia Ferguson.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Estate of Jerome J. Hanauer, Lewis L. Strauss and Carrie H. Hanauer, Executors,

Petitioners,

482 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The State of North Dakota,
Petitioner,
498 vs.
Raphael Jerome Szarkowski.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alba Trading Co., Inc.,
Petitioner,
500 vs.
Musher Foundation, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

H. S. Gibbs and Wife Lucille L. Gibbs, et al.,
Petitioners,
501 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Angelo Di Orio,

Petitioner,

502 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas L. "Jack" Spiers,

Petitioner,

503 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

May S. Tonkin and Peoples Pittsburgh Trust Company, Executors of the Estate of John B. Tonkin,

Petitioners,

506 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

City of Menasha,
Petitioner,
511 vs.
Clarence Furton, et al., Co-partners Doing Business as Furton Brothers Construction Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Laurence H. Eldredge and the Pennsylvania Company for Insurances on Lives and Granting Annuities, etc.,
Petitioners,
516 vs.
Walter J. Rothensies, Collector of Internal Revenue at Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wayne Thomas Lonergan,
Petitioner,
537 vs.
People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lansburgh & Bro.,

Petitioner,

566 vs.

Doris E. Deffebach.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

L. C. Newman,

Petitioner,

446 vs.

The State of Texas.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

L. C. Newman,

Petitioner,

446 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Custer M. Coyle,

Petitioner,

41, Misc. vs.

People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

C. C. Fletcher and E. E. Wakeman,
as Surviving Trustees of the Standard
Bentonite Company, a Trust,

Petitioners,

439 vs.

Frank C. Clark, as Collector of
Internal Revenue, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest E. Scarborough,

Petitioner,

355 vs.

Pennsylvania Railroad Company,

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest E. Scarborough,

Petitioner,

355 vs.

Pennsylvania Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Lober, Bondholder and Attorney-in-Fact for Lawrence Schrager, etc. et al.,

Petitioners,

20, Misc. vs.

Morgan, Lewis & Bockius et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Lober, Bondholder and Attorney-in-Fact for Lawrence Schrager, etc. et al.,

Petitioners,

21, Misc. vs.

Morgan, Lewis & Bockius et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Georgia M. Spruill,

Petitioner,

224 vs.

Daniel M. Campbell.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Madison Avenue Offices, Inc.,

Appellant,

368 vs.

Rollin Browne et al., Constituting the State Tax Commission of the State of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Madison Avenue Offices, Inc.,

Appellant,

368 vs.

Rollin Browne et al., Constituting the State Tax Commission of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Donald MacDonald et al., as Executors
of the Estate of Mabel MacDonald,
Deceased,

Appellant,

369 vs.

Hollin Browne et al., Constituting the
State Tax Commission of the State of
New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Donald MacDonald et al., as Executors
of the Estate of Mable MacDonald,
Deceased,

Appellant,

369 vs.

Hollin Browne et al., Constituting the
State Tax Commission of the State of
New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made the Court is adjourned until Monday, December 3, next, at 12 o'clock.

MONDAY, DECEMBER 3, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Attorney General Tom C. Clark, It is ordered that Stanley F. Reed, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Maurice A. Fitzgerald, Esquire, of Washington, District of Columbia; David Lloyd Kreeger, Esquire, of Washington, District of Columbia; Wallace R. Burke, Esquire, of Unionville, State of Connecticut; Donald J. Hurley, Esquire, of Boston, Commonwealth of Massachusetts; and Matthew John Faerber, Esquire, of Newport, State of Rhode Island, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Arthur S. Tennant, Jr., Esquire, of Westfield, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oren Harris, It is ordered that Albert Graves, Esquire, of Hope, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. McNamara, It is ordered that David W. Wainhouse, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Walter Hoyle, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Shirley P. Jones, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Thomas J. Gentry, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Angus M. Taylor, Jr., Esquire, of Birmingham, State of Alabama, and David M. Hall, Jr., Esquire, of Eutaw, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore Lockyear, It is ordered that Paul Butler Wever, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Hulsy, It is ordered that Walter P. Ela, Esquire, of Madison, State of Wisconsin, and John B. Van Duzer, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Panelli, It is ordered that Dick Cutter Smiley, of New York, State of New York; Donald B. Smiley, Esquire, of New York, State of New York; and Franklin C. Stark, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Mrs.)

On motion first made to the Court in this behalf by Mr. Charles A. Woods, Jr., It is ordered that Milton Warren Buffington, Esquire, of Cincinnati, State of Ohio, and Vincent Vercuski, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard M. Thomas, It is ordered that Lud J. Lincoln, Esquire, of Waco, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard G. Segal, It is ordered that Irving R. Segal, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Cole, It is ordered that Robert L. Irvin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. McNamara, It is ordered that Edward M. Tenney, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Hamilton Houston, It is ordered that Arthur M. Seiff, Esquire, of New York, State of New York, and Z. Alexander Looby, Esquire, of Nashville, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. B. Schwartz, It is ordered that John N. Rupp, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Bresnahan, It is ordered that George Albert Wilkinson, Esquire, of Oakley, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Ballard, It is ordered that Edward C. Carrington, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Mozart G. Ratner, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ashbacker Radio Corporation,

Petitioner,

vs.

Federal Communications Commission.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

65

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Rutledge joins.

International Shoe Company,

Appellant,

vs.

State of Washington, Office of Unemployment Compensation and Placement and E. B. Riley, Commissioner.

Appeal from the Supreme Court of the State of Washington.

107

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Separate opinion by Mr. Justice Black.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Ben Spears, Jr.,

Petitioner,

25, Misc. vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lawrence DeCloux,

Petitioner,

16, Misc. vs.

James A. Johnston, Warden, etc., et al.

ON CONSIDERATION of the motion of petitioner to substitute Tom C. Clark, present Attorney General of the United States, as a party respondent in place of Francis Biddle, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Lawrence DeCloux,

Petitioner,

16, Misc. vs.

James A. Johnston, Warden, etc., et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Maurice Alvin Gutterman,

Petitioner.

53, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harold Jackson,

Petitioner,

54, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the application submitted herein by Harold Jackson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of William Wright,

Petitioner.

55, Misc.

ON CONSIDERATION of the application submitted herein by William Wright,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of George White Thunder,

Petitioner.

56, Misc.

ON CONSIDERATION of the application submitted herein by George White Thunder,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The State of Illinois,

Complainant,

9, Original vs.

The State of Indiana et al.

The replies of the complainant to the answers of the additional parties defendant are received and ordered filed.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

12, Original vs.

The State of California.

ON CONSIDERATION of the motion for an extension of time to file an answer in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including Monday, January 28, 1946.

Per Mr. Chief Justice Stone.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 O.T. 1944 vs.

C. W. Burley et al.

ON CONSIDERATION of the motion of the Brotherhood of Locomotive Firemen and Enginemen et al. for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The motion for leave to participate in the oral argument as amici curiae is denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160, O.T. 1944 vs.

G. W. Burley et al.

ON CONSIDERATION of the motion of the Brotherhood of Locomotive Engineers et al. for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Dr. Furman Angel, Order allowing certiorari.

Petitioner,

540 vs.

W. H. Bullington.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased,

Petitioner,

550 vs.

J. M. Kurn, et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Compton-Delevan Irrigation District,

Petitioner,

469 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees Under the Last Will and Testament of Martin Bekins, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

C. W. Titus,
Petitioner,
535 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elizabeth Arden Sales Corporation,
Petitioner,
542 vs.
Gus Blass Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George McManus,
Petitioner,
545 vs.
Marine Transport Lines, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lucy B. O'Leary and The Rotar Clock Company,

Petitioners,

546 vs.

The Liggett Drug Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lucy B. O'Leary and The Rotar Clock Company,

Petitioners,

547 vs.

Sears, Roebuck & Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lucy B. O'Leary and The Rotar Clock Company,

Petitioners,

548 vs.

The Johnston-Shelton Co., a Corporation of Ohio, d.b.a. The Home Store.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Muskogee Electric Traction Company, Petitioner,
565 vs.
Victory Investment Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jesse K. Bell Rea, etc., Petitioner,
283 vs.
Wilfred J. Begnaud, Liquidator of Standard Homestead Association.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Southgate Brokerage Company, Inc., Petitioner,
523 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Central National Bank of Cleveland, Trustee U/A with Edwin G. Thompson, Deceased,

Petitioner,

507 vs.

General American Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Cynthia Mills Cleveland,

Petitioner,

539 vs.

Second National Bank and Trust Company of Saginaw, Michigan, etc.

ON CONSIDERATION of the motion to defer consideration of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Cynthia Mills Cleveland,

Petitioner,

539 vs.

Second National Bank and Trust Company of Saginaw, Michigan, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

E. E. Ashcraft and John Ware,

Petitioners,

381 vs.

State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

E. E. Ashcraft and John Ware, Order allowing certiorari.

Petitioners,

381 vs.

State of Tennessee.

The petition herein for a writ of certiorari to the Supreme Court of the State of Tennessee is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Greco, On petition for writ of certiorari

Petitioner, to the Supreme Court of the State of

204 vs. Missouri.

Thomas E. Whitecotton, Warden,
Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

General Electric Company,

Petitioner,

46 vs.

Jewel Incandescent Lamp Company et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Peter Oddo,

Petitioner,

192 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Braulio Malim Gancy,

Petitioner,

303 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas R. Purman,

Petitioner,

353 vs.

T. S. Fitch et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Obear-Nester Glass Company,

Petitioner,

416 vs.

United Drug Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bernard B. Bailey,

Appellant,

49 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

ON CONSIDERATION of the motion for leave to file affidavits in support of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bernard B. Bailey,

Appellant,

49 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

The opinion announced November 5, 1945, is amended by striking therefrom in lines 31, 32, and 33 on page 2 the following: "overruled his exceptions to the failure of the Commissioners' report to award the interest demanded," and in inserting in lieu thereof: "rejected his claim for interest."

Per Mr. Chief Justice Stone.

Bernard B. Bailey,

Appellant,

49 vs.

J. A. Anderson, State Highway Commissioner of Virginia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Herbert M. Gregory,

Petitioner,

112 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

P. G. Lake, Inc.,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Elgin, Joliet and Eastern Railway Company,

Petitioner,

160 O.T. 1944 vs.

G. W. Burley et al.

ON CONSIDERATION of the motion of Mr. Frank Donner for leave to file brief of Congress of Industrial Organizations and certain affiliated organizations as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, with leave to respondents to file answer within ten days.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

William Leva Hough,

Petitioner,

558 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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United Federal Workers of America
(C. I. O.) et al.,

Appellants,

34 vs.

Harry B. Mitchell, Lucille Foster
McMillin, and Arthur S. Fleming.

Argued by Mr. Lee Pressman for the appellants and by Mr. Ralph F. Fuchs for the appellees.

Elgin, Joliet and Eastern Railway
Company,

Petitioner,

160 O.T. 1944 vs.

C. W. Burley et al.

Reargument commenced by Mr. Paul R. Conaghan for the petitioner and continued by Mr. Robert L. Stern for the United States, amicus curiae, by special leave of Court.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 4, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Thomas J. H. Barry, Esquire, of Whitinsville, Commonwealth of Massachusetts, and Walter D. Allen, Esquire, of Worcester, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren G. Magnuson, It is ordered that Simon Wampold, Jr., Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Malley, It is ordered that Edmond F. Shanahan, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Robert A. Reeder, Esquire, of Troy, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Carl W. Doozan, Esquire, of Saginaw, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. P. Gore, It is ordered that Hubert A. Gilbert, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that William M. Laird, Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Roger Williams, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles D. Sloan, It is ordered that Napoleon J. Vigeant, Esquire, of Chicopee, Commonwealth of Massachusetts, and Walter M. Shea, Esquire, of Chicopee, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Spencer Pinkham, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Alexander Bell, It is ordered that Ralph L. Bailey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Richard Starrs, It is ordered that London G. Middleton, Esquire, of Peoria, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that C. William Maxeiner, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Wafer, It is ordered that Philip W. Yager, Esquire, of Waukegan, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Archibald M. Hillman, Esquire, of Worcester, Commonwealth of Massachusetts, and James Thomas Connor, Esquire, of New Orleans, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Mitton, It is ordered that David F. O'Connor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice W. Covert, It is ordered that Theodore E. Beckemeier, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerard D. Reilly, It is ordered that William E. Grady, Jr., Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leander I. Shelley, It is ordered that James Fouche Matthews, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

J. R. Mason,

Petitioner,

306 vs.

Paradise Irrigation District.

Submitted by Mr. J. R. Mason, pro se, and by Mr. P. M. Barceloux for the respondent.

Elgin, Joliet and Eastern Railway Company,

Petitioner,

160, O.T. 1944 vs.

C. W. Burley et al.

Reargument continued by Mr. Robert L. Stern for the United States as amicus curiae by special leave of Court, by Mr. John H. Gately for the respondents, and concluded by Mr. Paul R. Conaghan for the petitioner.

State of New York and Saratoga Springs Commission and Saratoga Springs Authority,

Petitioners,

5 vs.

The United States of America.

Reargued by Mr. Orrin G. Judd for the petitioners, by Mr. Greek L. Rice for the State of Mississippi and others as amici curiae by special leave of Court, and by Mr. Paul A. Freund for the respondent. Leave granted petitioners to file supplemental brief by Friday next.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that John P. Carr, Esquire, of Washington, District of Columbia; Robert L. Purcolow, Esquire, of Washington, District of Columbia; C. Walter Morris, Esquire, of Washington, District of Columbia; and Thomas A. Paulson, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville L. Hubbard, It is ordered that Joel K. Underwood, Esquire, of Dearborn, State of Michigan, and Dale H. Fillmore, Esquire, of Dearborn, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States of America,

Petitioner,

115 vs.

William R. Johnson; and

The United States of America,

Petitioner,

116 vs.

Jack Sommers, James A. Hartigan et al.

ON CONSIDERATION of the motion of Mr. Homer Cummings, counsel for respondents, to pass these cases for oral argument until the January, 1946, session,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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WEDNESDAY, DECEMBER 5, 1945.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Augustus W. Bennet, It is ordered that Louis Mansdorf, Esquire, of New York, State of New York, and Weidner Titzck, Esquire, of Camden, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that H. G. Morison, Esquire, of Bristol, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Oliver Graves, It is ordered that Eugene R. Ward, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas C. Mann, It is ordered that William Scanlan, Esquire, of Brownsville, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Elden Tolman, It is ordered that James H. Brown, Esquire, of Hollywood, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew B. Pugh, It is ordered that Leroy J. Gonring, Esquire, of West Bend, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis George Meeker, It is ordered that Ralph W. Robuck, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Gray, It is ordered that Eugene M. Hanson, Esquire, of Utica, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Werner Amram, It is ordered that Morris Pfaelzer, 2nd, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Irvin, It is ordered that Miles H. Knowles, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin William Silverman, It is ordered that C. Nils Tavares, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. McGovern, It is ordered that S. Woods Byrer, Esquire, of Martinsburg, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Joseph T. Pemberton, Esquire, of Bellingham, State of Washington; Ignatius M. Wilkinson, Esquire, of New York, State of New York; Jerome M. Joffee, Esquire, of Kansas City, State of Missouri; Amos M. Waln, Esquire, of Hamilton Township, State of New Jersey; Bruce J. Broady, Esquire, of Saint Paul, State of Minnesota; Orph C. Holmes, Esquire,

of Ferndale, State of Michigan; Richard H. Paulson, Esquire, of Kalamazoo, State of Michigan; Arthur A. Whitworth, Esquire, of Lincoln, State of Nebraska; Joseph H. Crowley, Esquire, of Cleveland, State of Ohio; William H. Emerson, Esquire, of Rochester, State of New York; Palma Groves Meador, Esquire, of Charleston, State of West Virginia; John Nicholls Charnock, Esquire, of Charleston, State of West Virginia; Robert Rumley Wallace, Sr., Esquire, of Meridian, State of Mississippi; Marvin E. Boisseau, Esquire, of Saint Louis, State of Missouri; Francis M. Nash, Esquire, of Bradford, Commonwealth of Pennsylvania; John G. Dluhy, Esquire, of Clifton, State of New Jersey; Archie Delwood Mitchell, Esquire, of Ontario, State of California; Carl William Anderson, Esquire, of Burlingame, State of California; Joseph A. Benacina, Esquire, of San Jose, State of California; John Walter Colebord, Esquire, of South San Francisco, State of California; Stanley D. Whitney, Esquire, of Alameda, State of California; Dennis Mitchell, Esquire, of Enid, State of Oklahoma; John H. Winston, Esquire, of Johnson City, State of Tennessee; James P. Brown, Esquire, of Knoxville, State of Tennessee; Harry Ossen, Esquire, of Torrington, State of Connecticut; Christopher J. Griffin, Esquire, of Huntington Park, State of California; Michael Telleison, Esquire, of Culver City, State of California; William F. Chamlee, Esquire, of Chattanooga, State of Tennessee; Sylvanus William Polk, Esquire, of Memphis, State of Tennessee; Roy C. Nelson, Esquire, of Elizabethton, State of Tennessee; and Victor Woerner, Esquire, of Jackson, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Lloyd C. Duncan,

Petitioner,

14 vs.

Duke Paoa Kahanamoku, Sheriff, etc.; and

Harry E. White,

Petitioner,

15 vs.

Wm. F. Steer, Colonel, Infantry,
United States Army, etc.

ON CONSIDERATION of the motion of Mr. C. Nils Tavares, Attorney General of the Territory of Hawaii, for leave to appear and present oral argument as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Courtney M. Mabee, Clark K.
Barnum, et al.,

Petitioners,

57 vs.

White Plains Publishing Company, Inc.

Argument commenced by Mr. David H. Moses for the petitioners; continued by Mr. Jeter S. Ray for the Administrator of the Wage and Hour Division, Department of Labor, as amicus curiae by special leave of Court; by Mr. Elisha Hanson for the respondent; and concluded by Mr. David H. Moses for the petitioners.

James E. Markham, Alien Property
Custodian,

Petitioner,

60 vs.

Alvina Allen, Gertrude Dinwiddie,
Hilda Pigozzi, et al.

Argued by Mr. M. S. Isenbergh for the petitioner and case submitted by Mr. Joseph Wahrhaftig for the respondents.

Julius Fisher,

Petitioner,

122 vs.

The United States of America.

Argued by Mr. Charles H. Houston for the petitioner and by Mr. Charles B. Murray for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy, Associate Justices.
Wiley Rutledge,
Harold H. Burton.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Charles D. Tamel, It is ordered that Robert Showers Carney, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kermit C. Sitterley, It is ordered that William G. Coultrap, Esquire, of Lancaster, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Lee Stephens, Jr., It is ordered that Emmet Homer Wilson, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Laylin, It is ordered that Malcolm A. MacIntyre, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Monroe Oppenheimer, It is ordered that Morris Borden, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar H. Davis, It is ordered that Thomas S. Kernan, Esquire, of Utica, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Emmerglick, It is ordered that Frank Fink, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mark C. Reno, It is ordered that William B. Perry, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thomas Connor, It is ordered that Meckley M. Ferris, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Abraham H. Maller, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. E. Jaeger, It is ordered that Elgood Edward Stephens, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Alexander Kaufmann, It is ordered that George Dunham Taylor, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

77 vs.

Petty Motor Company;

The United States of America,

Petitioner,

78 vs.

Merrill J. Brockbank, Doing Business as Brockbank Apparel Company;

The United States of America,

Petitioner,

79 vs.

William G. Grimsdell, Doing Business as Grocer Printing Company;

The United States of America,

Petitioner,

80 vs.

Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Company;

The United States of America,

Petitioner,

81 vs.

Independent Pneumatic Tool Company;

The United States of America,

Petitioner,

82 vs.

The Galigher Company; and

The United States of America,

Petitioner,

83 vs.

Gray-Cannon Lumber Company.

Argued by Mr. Arnold Raum for the petitioner and by Mr. Shirley P. Jones for the respondents.

A. R. Tucker,

Appellant,

87 vs.

The State of Texas; and

Grace Marsh,

Appellant,

114 vs.

The State of Alabama.

Argued by Mr. Hayden C. Covington for the appellants. No appearance for the appellee in No. 87. Case submitted by Mr. William N. McQueen for the appellee in No. 114.

Hercules Gasoline Company, Inc.,

Petitioner,

93 vs.

Commissioner of Internal Revenue.

Argued by Mr. Melvin F. Johnson for the petitioner and by Mr. Joseph S. Platt for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Emnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that Curtis Douglass, Esquire, of Pampa, State of Texas, and William Jarrel Smith, Esquire, of Pampa, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Roy A. Gustafson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Combs, It is ordered that Jack Voyles, Esquire, of Port Arthur, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mahlon C. Masterson, It is ordered that V. Marquis Portich Zerda, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred J. Snyder, It is ordered that William Henderson Brantley, Jr., Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Frailey, It is ordered that Harry M. Walburg, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that Thurston Greene, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland W. Pixel, It is ordered that William Phelps Thompson, Esquire, of McPherson, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Dinkins, It is ordered that Paul P. Eagleton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Levy, It is ordered that Solomon Dimond, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mary Connor Myers, It is ordered that Royal D. Hood, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph C. Shaw, It is ordered that Harold W. Bangert, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Elden Tolman, It is ordered that Aaron Goldfarb, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"I announce, with great sorrow, the death last evening, at her residence in this city, of Mrs. Charles Evans Hughes, the wife of Chief Justice Charles Evans Hughes, retired.

"The Court expresses its regret and its sympathy to Chief Justice Hughes and the members of his family."

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Lloyd C. Duncan,

Petitioner,

14 vs.

Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu; and

Harry E. White,

Petitioner,

15 vs.

William F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area.

Argument commenced by Mr. Osmond K. Fraenkel for the petitioner in No. 15; continued by Mr. J. Garner Anthony for the petitioner in No. 14; by Mr. C. Nils Tavares for the Territory of Hawaii as amicus curiae by special leave of Court; by Mr. Edward J. Ennis for the respondents; and concluded by Mr. J. Garner Anthony for the petitioner in No. 14. Leave granted petitioner in No. 14 to file reply brief within one week.

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Proclamation being made the Court is adjourned until Monday, December 10, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. William H. Watkins, It is ordered that Thomas Henry Watkins, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that Harold L. Kaplan, Esquire, of Bloomfield, State of New Jersey, and Donald Karrakis, Esquire, of East Orange, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Verne McMillen, Esquire, of Little Rock, State of Arkansas, and James I. Teague, Esquire, of Little Rock, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Amasa M. Holcombe, It is ordered that Marshall M. Holcombe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Thompson, It is ordered that Robert M. Skilton, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Lloyd Mitchel, It is ordered that Merrill M. Manning, Esquire, of New York, State of New York, and Walter Bruchhausen, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Harry L. Yale, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Monroe Friedheimer, It is ordered that Herman Willer, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James D. Carpenter, Jr., It is ordered that Charles B. Collins, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas W. Pomeroy, Jr., It is ordered that Paul L. Hutchinson, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and Theodore Chase, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold D. Cohen, It is ordered that Eugene C. Gerhart, Esquire, of Binghamton, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Bessie Marrolin, It is ordered that Joseph M. Stone, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Al. Philip Kane, It is ordered that Charles L. Aulette, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville LaMarche, It is ordered that Maurice P. Colden, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert G. Pillen, It is ordered that I. Sidney Stein, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Hastie, It is ordered that Vince Monroe Townsend, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry R. Booth, It is ordered that David Axelrod, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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James E. Markham, Alien Property Custodian, and W. Alexander Julian, Treasurer of the United States,

Petitioners,

vs.

Hartwell Cabell.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

76

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of

May Department Stores Company, Doing Business as Famous-Barr Company,

Petitioner,

vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

39

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Opinion by Mr. Justice Rutledge concurring in part in which the Chief Justice and Mr. Justice Frankfurter join.

Mine Safety Appliances Company,

Appellant,

vs.

James V. Forrestal.

Appeal from the District Court of the United States for the District of Columbia.

71

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Concurring in the result: Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Joachim O. Fernandez, United States Collector of Internal Revenue,
Appellant,
vs.
Samuel G. Wiener, William B. Wiener, and Jacques L. Wiener.

Appeal from the District Court of the United States for the Eastern District of Louisiana.

58

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

The United States of America,
Appellant,
vs.
Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased.

Appeal from the District Court of the United States for the Western District of Texas.

59

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black and Mr. Justice Douglas concur in the result for the reasons stated in the concurring opinion of Mr. Justice Douglas in case No. 58, Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, v. Samuel G. Wiener, et al.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

David Flannigan,

Petitioner,

57, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Frank Smith,

Petitioner.

59, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Thomas H. Fisher,

Petitioner.

58, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus or prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice

Mr. Justice Jackson took no part in the consideration or decision of this application.

McAllister Lighterage Line, Inc.,

Appellant,

616 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

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Paul Knauer, Order allowing certiorari.

Petitioner,

510 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Tennessee Valley Authority, Order allowing certiorari.

Petitioner,

528 vs.

S. Columbus Welch.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

The United States of America ex rel. Tennessee Valley Authority,

Petitioner,

529 vs.

John Burns et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Tennessee Valley Authority,

Petitioner,

530 vs.

Fred Lollis et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Tennessee Valley Authority,

Petitioner,

531 vs.

Arnold E. Bradshaw et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

The United States of America ex rel. Tennessee Valley Authority,

Petitioner,

532 vs.

Philip G. Rust et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Tennessee Valley Authority,

Petitioner,

533 vs.

Abraham Cole Hyatt et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Louis Girouard,

Petitioner,

572 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

C. H. Wheeler, Petitioner, vs. Chester Bowles, Administrator of the Office of Price Administration.

499

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James P. Kirk, Petitioner, vs. P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

515

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George N. Mas, Petitioner, vs. The United States of America.

534

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward F. McGunnigal, Jr., et al., Petitioners, vs. The United States of America. 549

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Official Aviation Guide Company, Inc., Petitioner, vs. American Aviation Associates, Inc., Wayne W. Parrish et al. 552

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

American Aviation Associates, Inc., Petitioner, vs. The Official Aviation Guide Company, Inc., A. Cosmos Garvy et al. 591

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Judson L. Thomson Manufacturing Company, Petitioner,
557 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Boyd L. Kithcart, Petitioner,
564 vs.
Metropolitan Life Insurance Company, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James J. Laughlin, Petitioner,
581 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed on a typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

James J. Laughlin, Petitioner, vs. The United States of America. 481 — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward F. Zap, Petitioner, vs. The United States of America. 489 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied for failure to comply with par. 2 of Rule 38 of the Rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that the length of the brief does not justify the action taken by the Court.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Francis Haines,
Petitioner,
420 vs.
Walter Wierstheimer, Warden of the Illinois State Penitentiary at Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John H. Rooney,
Petitioner,
430 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Carman,
Petitioner,
438 vs.
T. P. Sullivan, Illinois State Prison Director, et al.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

George E. Moore,
Petitioner,
440 vs.
The State of Wisconsin.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William H. Fitzpatrick,
Petitioner,
441 vs.
Walter Mierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Calvin Smith,
Petitioner,
466 vs.
Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Clay Barland,

Petitioner,

467 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Scott Paper Company,

Petitioner,

54 vs.

Marcalus Manufacturing Company, Inc., and Nicholas Marcalus.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ralph R. Renninger,

Petitioner,

461 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Court will take a recess from Monday, December 17, until January 2, 1946.

Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Carl B. Williams,

Petitioner,

123 vs.

The United States of America.

Argued by Mr. Samuel Slaff for the petitioner and by Mr. Irving S. Shapiro for the respondent.

William H. Griffin,

Petitioner,

86 vs.

Grace H. Griffin.

Argued by Mr. William H. Griffin pro se and by Mr. A. M. Goldstein for the respondent.

Bertram Williams et al., Suing on Behalf of Themselves and All Other Holders of Class B Debentures of Green Bay and Western Railroad Company,

Petitioners,

100 vs.

Green Bay and Western Railroad Company.

Argued by Mr. Milton Pollack for the petitioners and by Mr. W. Lloyd Kitchel for the respondent.

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Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Thad F. Wasielewski, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that John W. Rutland, Jr., Esquire, of Dallas, State of Texas, and William J. Park, Esquire, of Austin, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Ronald D. Hickman, Esquire, of Arkansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Clay Espey, It is ordered that C. Vernon Thompson, Esquire, of Chicago, State of Illinois, and Robert J. Williard, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Swisher, It is ordered that McKinley Edwards, Esquire, of Bryson City, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that John V. Wheat, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton K. Eckert, It is ordered that J. E. Price, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Ruel C. Walker, Esquire, of Cleburne, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Arnold, It is ordered that Donald J. Meyer, Esquire, of Saint Louis, State of Missouri, and Clark M. Clifford, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Pergler, It is ordered that Carl Pergler, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Hill, Jr., It is ordered that Augustus P. Crenshaw III, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hermann J. Hughes, It is ordered that Henry W. Cramer, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Laylin, It is ordered that Francis Thornton Greene, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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James A. Taylor,

Petitioner,

vs.

New York Central Railroad Company.

ON CONSIDERATION of the motion of counsel for the respondent to extend the time within which to file response to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including December 28, 1945.

Per Mr. Chief Justice Stone.

James J. Laughlin,

Petitioner,

481 vs.

The United States of America.

ON CONSIDERATION of the motion of petitioner to stay the issuance of the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward F. Zap,

Petitioner,

489 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for petitioner to stay the issuance of the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the order is stayed pending the consideration and decision of a petition for rehearing to be filed within the time prescribed in rule 33. Counsel may file substituted brief, conforming to requirements of par. 2 of rule 38, in support of the petition for writ of certiorari if so advised.

Per Mr. Chief Justice Stone.

Francis P. Slattery,

Petitioner,

633 vs.

Allan A. MacDonald, Sheriff, etc.

ON CONSIDERATION of the motion of counsel for the respondent to extend the time within which to file response to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including January 2, 1946.

Per Mr. Chief Justice Stone.

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Forrest S. Smith, Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al.,

Petitioners,

384 vs.

Hoboken Railroad Warehouse and Steamship Connecting Company et al.

Argument commenced by Mr. James D. Carpenter for the petitioner, Forrest S. Smith, Trustee, etc.; continued by Mr. Parker McCollester for the petitioners, Debtor, Hoboken Manufacturers Railroad Company et al.; and concluded by Mr. Edward J. O'Mara for the respondents.

Max Levinson,

Petitioner,

139 vs.

Spector Motor Service, a Corporation.

Argued by Mr. Harry L. Yale for the petitioner and by Mr. David Axelrod for the respondent.

Commissioner of Internal Revenue,

Petitioner,

145 vs.

J. N. Flowers.

Argument commenced by Mr. J. Louis Monarch for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Brnalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Harlan J. Bushfield, It is ordered that Charles E. Corsuch, Esquire, of Aberdeen, State of South Dakota, and Leo A. Temmey, Esquire, of Huron, State of South Dakota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harley M. Kilgore, It is ordered that Julius Cohen, Esquire, of Morgantown, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Richard S. Brazeau, Esquire, of Wisconsin Rapids, State of Wisconsin, and Nils A. Boe, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilton H. Wallace, It is ordered that Timothy I. O'Reilly, Esquire, of San Luis Obispo, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Albert Wilkinson, It is ordered that William F. Hamilton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin J. Askow, It is ordered that J. Stanley Stroud, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Sinclair Armstrong, It is ordered that Wright F. Hallfrisch, Esquire, of Whitefish Bay, State of Wisconsin, and Paul Maloney, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Reiant, It is ordered that J. Henry Neale, Esquire, of White Plains, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that Francis M. Divilio, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nicholas J. Chase, It is ordered that William J. Regan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Albert Hallis, It is ordered that Harold J. Finder, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Commissioner of Internal Revenue,

Petitioner,

145 vs.

J. N. Flowers.

Argument continued by Mr. J. Louis Monarch for the petitioner and concluded by Mr. J. M. Ogden for the respondent.

The Social Security Board,

Petitioner,

318 vs.

Joseph Mierotke.

Argued by Mr. Paul A. Sweeney for the petitioner and by Mr. Ernest Goodman for the respondent.

Commissioner of Internal Revenue,

Petitioner,

203 vs.

Estate of Harry Holmes, Deceased, Lucy B. Holmes, Independent Executrix.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. J. V. Wheat for the respondent.

Mississippi Publishing Corporation,

Petitioner,

234 vs.

Dennis Murphree.

Argued by Mr. William H. Watkins for the petitioner and by Mr. Rufus Creekmore for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Donnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. James E. Watson, It is ordered that James H. Cowan, Esquire, of Washington, District of Columbia, and Labre R. Garcia, Esquire, of Antonito, State of Colorado, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas P. Rhodes, It is ordered that Kenneth C. Schwartz, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Patrick J. Taft, Esquire, of Washington, District of Columbia; Alan S. Aldwell, Esquire, of San Francisco, State of California; and [illegible] Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Nearing, It is ordered that Gerald May, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Gilman Spencer, It is ordered that Percy C. Madeira III, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Glenn, It is ordered that Robert Benjamin Shapiro, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Boris Holman, It is ordered that George Lake, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Knox Parrand, It is ordered that Henry Howard, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Blanckenburg, It is ordered that Harold Knowles Congdon, Jr., Esquire, of Randolph, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richmond B. Keech, It is ordered that William R. Eddleman, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earle B. Henley, Jr., It is ordered that Frank J. Strassner, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Effinger Smoot, It is ordered that Newton E. Davis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aubrey St. L. Wardwell, It is ordered that Maurice Neil Ray, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Klaus, It is ordered that Daniel V. Ryan, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that Walter J. Klockau, Jr., Esquire, of Moline, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson Thomas, It is ordered that Kenneth I. Ghormley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Cecil I. Hust,

Petitioner,

625 vs.

Moore-McCormack Lines, Inc.

ON CONSIDERATION of the application of counsel for respondent to extend the time within which to file response to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including January 15, 1946.

Per Mr. Chief Justice Stone.

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The People of the State of New York,
ex rel. Donald A. J. Ray,

Appellant,

158 vs.

Walter B. Martin, as Warden of Attica
State Prison, Attica, New York, et al.

Argued by Mr. Thomas J. McKenna for the petitioner; by Mr. Henry S. Manley for respondents, Martin, Warden, and the State of New York; by Mr. Charles E. Congdon for respondent, Cattaraugus County, New York; and by Mr. Roger P. Marquis for the United States, as amicus curiae, by special leave of Court.

Township of Hillsborough, Somerset
County, N. J., et al.,

Petitioners,

305 vs.

Doris Duke Cromwell, Individually and
as Trustee of the Duke Endowment.

Argument commenced by Mr. Harry E. Walburg for the petitioners and continued by Mr. Charles E. Hughes, Jr., for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Lawrence A. Baker, It is ordered that George Roberts, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that John F. Donelan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thomas Connor, It is ordered that John Minor Wisdom, Esquire, of New Orleans, State of Louisiana, and Robert Goodhart Polack, Esquire, of New Orleans, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray W. Nedrow, It is ordered that Gilbert Whitney Baron, Esquire, of Springfield, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Marvin Smith, It is ordered that Vernon Howe Batley, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Hulsy, It is ordered that Don Petty, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony Kane, It is ordered that Robert H. Burnham, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation et al.

ON CONSIDERATION of the application of Mrs. Bertha Florence Sabin, pro se, to extend the time within which to file supplement to petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 11, 1946.

Per Mr. Chief Justice Stone.

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Township of Hillsborough, Somerset County, N. J., et al.,

Petitioners,

305 vs.

Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment.

Argument continued by Mr. Charles E. Hughes, Jr. for the respondent and concluded by Mr. Shelton Pitney for the respondent.

M. Kraus & Bros., Inc.,

Petitioner,

1[illegible] vs.

United States.

Argued by Mr. Thomas Turner Cooke for the petitioner and by Mr. W. Marvin Smith for the respondent.

Cherry Cotton Mills, Inc.,

Petitioner,

187 vs.

United States.

Argued by Mr. Theodore B. Benson for the petitioner and by Mr. David L. Kreeger for the respondent.

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Proclamation being made the Court is adjourned until Monday, December 17, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Attorney General Tom C. Clark, It is ordered that Ernest S. Meyers, Esquire, of New Rochelle, State of New York; Robert J. Rubin, Esquire, of Los Angeles, State of California; J. Darwin Bond, Esquire, of Dallas, State of Texas; and Coleman Gay, Esquire, of Austin, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that James Manley Head, Esquire, of Austin, State of Texas, and Leighton Cornett, Esquire, of Clarksville, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Lyle M. Stevens, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that John Stanley Brill, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Washington Riley, It is ordered that Joseph Homer Riley, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John R. Parkinson, It is ordered that Arthur Dixon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Irwin, It is ordered that William H. Kerr, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl B. Klein, It is ordered that Arthur J. Donnelly, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that Edgar M. Souza, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar S. Cox, It is ordered that Oscar M. Ruebhausen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard P. Harvey, It is ordered that M. M. Shlesinger, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger A. Fortuna, It is ordered that Gordon W. Gabell, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Hercules Gasoline Company, Inc., Petitioner, vs. Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

93

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting: Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice joins.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Frank Davis, Petitioner, vs. Walter Mierstheimer, Warden, etc.

60, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Singer,

Petitioner,

62, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lee Van Woods,

Petitioner,

63, Misc. vs.

Walter Nierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Burall,

Petitioner,

64, Misc. vs.

Honorable Michael J. Roche, United States District Judge.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The State of Georgia,

Complainant,

11, Original vs.

The Pennsylvania Railroad Company et al.

O R D E R

IT IS ORDERED that Lloyd K. Garrison, Esquire, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to find the facts specially and state separately his conclusions of law thereon (cf. Rule 52 of the Rules of Civil Procedure for the District Courts of the United States, first sentence), and to submit the same to this Court with all convenient speed, together with a draft of the decree recommended by him. The findings, conclusions, and recommended decree of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this order.

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Howard Hall Company, Inc.,

Appellant,

627 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

Gus Kottsakos and Michael Lekacos,

Petitioners,

457 vs.

The United States of America; and

Nathan Regenbogen,

Petitioner,

458 vs.

The United States of America.

ON CONSIDERATION of the motion to dispense with the reprinting of the record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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M. E. Heiser, Petitioner,

496 vs.

Willie Mae Woodruff et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Willie Mae Woodruff, Petitioner,

571 vs.

M. E. Heiser.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

M. E. Heiser, Petitioner,

509 vs.

Margueritte B. Woodruff et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marqueritte B. Woodruff, Leonard Woodruff, Jr. and Howard L. Woodruff,

Petitioners,

vs.

[illegible] E. Glenn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

[illegible] K. Yoon,

Petitioner,

vs.

Territory of Hawaii.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Anna Lee Shelton,

Petitioner,

vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Arden Dietrich Bode, Alfred Earnest Partridge, John Kayser Neubrand et al., Petitioners,

596 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Philip Godfrey et al., Petitioners,

638 vs.

Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Philip Godfrey et al., Petitioners,

639 vs.

Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Lester Barnard, Petitioner,

479 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Matthew Nowak, Petitioner,

487 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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In the Matter of the Application of
General Tomoyuki Yamashita for Writs
of Habeas Corpus and Prohibition,

61, Misc.; and

General Tomoyuki Yamashita,

Petitioner,

vs.

Lieutenant General Wilhelm D. Styer,
Commanding General, U. S. Army Forces,
Western Pacific.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

It having been represented to this Court by the Attorney General of the United States that a petition for writ of certiorari in the above-entitled cause has been forwarded to this Court from Manila to review the denial of writs of habeas corpus and prohibition by the Supreme Court of the Commonwealth of the Philippines, on or about November 28, 1945;

AND WHEREAS, the Court considers it advisable to defer consideration of the application for writs of habeas corpus and prohibition until it has had an opportunity to examine the petition for writ of certiorari;

IT IS ORDERED BY THIS COURT that all further proceedings in this cause be, and the same are hereby, stayed pending the consideration and determination by this Court of the applications for writs of habeas corpus and prohibition now pending as No. 61, Miscellaneous, of the present term, and of the petition for writ of certiorari now in transit.

The Secretary of War is requested to advise the Military Authorities of this action of the Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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The United States of America,

Appellant,

59 vs.

Henry Rompel, Jr., Administrator De Bonis Non Cum Testamento Annexo of Ernest Herbst, Deceased.

There is added at the end of the opinion of the Court in this case, announced on December 10, 1945, the following statement:

"Mr. Justice Black and Mr. Justice Douglas concur in the result for the reasons stated in the concurring opinion of Mr. Justice Douglas in case No. [illegible], Joaquin G. Fernandez, United States Collector of Internal Revenue, appellant, v. Samuel G. Wiener et al."

Mine Safety Appliances Co.,

Appellant,

71 vs.

James V. Forrestal.

The concurring opinion of Mr. Justice Reed in this case is amended so that it will read as follows:

"Mr. Justice Reed concurs in the result for the reason that he thinks no adequate ground is alleged for an injunction. In his view a legal remedy exists in the Court of Claims since objection to the amount of excess profits is waived and the stipulation, referred to in the opinion, removes multiplicity of actions for relief as a possible ground."

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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THURSDAY, DECEMBER 20, 1945, 3:45 P. M.

The Court met in Special Term pursuant to a call by the Chief Justice having the approval of all the Associate Justices present.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Emmalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

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The Court enters the following order:

In the Matter of the Application of
General Tomoyuki Yamashita for Writs
of Habeas Corpus and Prohibition.

61, Misc.; and

General Tomoyuki Yamashita,
Petitioner,

672 vs.

Lieutenant General Wilhelm D. Styer,
Commanding General, U. S. Army Forces,
Western Pacific.

On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

The Court desires to hear argument upon the questions presented by the motion for leave to file the petition for writs of habeas corpus and prohibition and by the petition for writ of certiorari. Action upon the motion for leave to file and the petition for writ of certiorari will be withheld meanwhile, and the motion and petition are set down for oral argument on Monday, January 7th, next.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this order.

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WEDNESDAY, JANUARY 2, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Ellis Lyons, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph L. Bailey, It is ordered that Julien Gray Mathaway, Esquire, of Ventura, State of California; Theodore A. Westphal, Jr., Esquire, of San Francisco, State of California; and R. Arthur Waite, Esquire, of Ojai, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Weston B. Grimes, It is ordered that Willard Durre Agolf, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Miller, It is ordered that Harold Steele Harrison, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland C. Evans, Jr., It is ordered that Thomas E. Byrne, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Nadine Lane Gallagher, It is ordered that Julia Benton Hopkins, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Henry G. Van Veen, It is ordered that Seymour L. Coblens, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David W. Wainhouse, It is ordered that Peter A. Nehemkis, Jr., Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that S. Floyd Nagle, Esquire, of Greenwich, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Commissioner of Internal Revenue, Petitioner,	On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.
203 vs.	
Estate of Harry Holmes, Deceased, Lucy B. Holmes, Independent Executrix.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Douglas dissents.

Mr. Justice Jackson took no part in the consideration or decision of this case.

William Chatwin, Petitioner, vs. The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

31

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Burton concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Charles F. Zitting, Petitioner, vs. The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

32

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Burton concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Edna Christensen, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

33

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Burton concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue, Petitioner, vs. J. N. Flowers. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

145

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge.

Railroad Retirement Board, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees, and George M. Harrison,

Petitioners,

95 vs.

Duquesne Warehouse Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Duquesne Warehouse Company,

Petitioner,

103 vs.

Railroad Retirement Board and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Schenley Distillers Corporation and Schenley Distilleries Motor Division, Inc.,

Appellants,

560 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mississippi Publishing Corporation,

Petitioner,

234 vs.

Dennis Murphree.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Mississippi.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

The Board of Supervisors of Monona County, Iowa, O. H. Hale, J. A. Uhl, et al.,

Appellants,

vs.

The Board of Trustees of Monona-Harrison Drainage District No. 1, in Monona and Harrison Counties, Iowa, et al.

Appeal from the Supreme Court of the State of Iowa.

037

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Murray Winters,

Appellant,

vs.

The People of the State of New York.

036

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

Heber Kimball Cleveland,

Petitioner,

vs.

United States;

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Heber Kimball Cleveland,

Petitioner,

24 vs.

United States;

Heber Kimball Cleveland,

Petitioner,

25 vs.

United States;

David Brigham Darger,

Petitioner,

26 vs.

United States;

Vergel Y. Jessop,

Petitioner,

27 vs.

United States;

Theral Ray Dockstader,

Petitioner,

28 vs.

United States;

L. R. Stubbs,

Petitioner,

29 vs.

United States;

Follis Gardner Petty,

Petitioner,

30 vs.

United States;

United Federal Workers of America (CIO) et al.,

Appellants,

34 vs.

Harry B. Mitchell, Lucille Foster McMillin, et al.; and

Max Levinson,

Petitioner,

139 vs.

Spector Motor Service, a Corporation.

These cases are restored to the docket for reargument before a full bench.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Thomas Paper Stock Company et al.,

Petitioners,

67 vs.

Chester Bowles, Price Administrator.

A motion to dismiss the writ of certiorari in this case having been submitted, further consideration of the motion to dismiss is postponed to the oral argument of the case. The case is transferred to the summary docket and set to follow No. 578.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this order.

The United States of America,

411 vs.

Judge Eugene Rice, District Judge
for the Eastern District of
Oklahoma.

Further consideration of the motion to bring up the entire record and cause herein is postponed until the hearing of the case on the certificate at which time counsel may direct their argument to the question of the power of the Court to order up the entire record and cause pursuant to 28 U. S. C. 346.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this order.

In the Matter of Dorsey Edmondson,

Petitioner.

65, Misc.

On consideration of the application submitted herein by Dorsey Edmondson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James H. Johnson,

Petitioner,

69, Misc. vs.

John Hancock Mutual Life Insurance
Company et al.

ON CONSIDERATION of the application submitted herein by James H. Johnson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Martin J. Durkin,

Petitioner.

71, Misc.

ON CONSIDERATION of the application submitted herein by Martin J. Durkin,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William G. Hayes,

Petitioner,

66, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Vergil D. McMillan,

Petitioner,

67, Misc. vs.

United States Municipal Court et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Abraham Grimm,

Petitioner,

68, Misc. vs.

Walter Nierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry C. Kelly,

Petitioner,

70, Misc. vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Paper Stock Company et al., Order allowing certiorari.

Petitioners,

578 vs.

Chester Bowles, Price Administrator.

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

First Iowa Hydro-Electric Co-Operative, Order allowing certiorari.

Petitioner,

605 vs.

Federal Power Commission et al.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jacob Siegel Company, Order allowing certiorari.

Petitioner,

605 vs.

Federal Trade Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Comet Carriers, Inc., Order allowing certiorari.

Petitioner,

609 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the third question raised in the Government's brief. The case is transferred to the summary docket and set to follow No. 139.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Allen Pope,

Petitioner,

520 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Estate of Humphrey J. Lynch, Deceased, The County Trust Company and Mary A. Fleming, Executors,

Petitioners,

573 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

870 Seventh Avenue Corporation,
Doing Business as The Park Central,
Petitioner,
vs.
Chester Bowles, Administrator,
Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

579

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The California Oregon Power Company,
Petitioner,
vs.
Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

582

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Locke Green,
Petitioner,
vs.
Hon. Colgate W. Darden, Jr., Governor of Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

613

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chicago Great Western Railway Company,
Petitioner,
619 vs.
David T. Beecher, a Minor, by Joseph Beecher, His Father and Natural Guardian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Valentine & Sons, a Co-Partnership et al.,
Petitioners,
563 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred H. Reeves, John H. Bradley, William L. Driscoll, and Lynwood C. Fritter,
Petitioners,
576 vs.
Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Claud Cochran,

Petitioner,

599 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank Smrekar, Jr., a Minor, by Frank Smrekar, Sr., His Guardian Ad Litem,

Petitioner,

607 vs.

Bay and River Navigation Company and Black Company.

On petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 1st Appellate District, State of California, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Elizabeth C. Lownsbury, Mrs. Evelyn M. Brantley, et al.,

Petitioners,

601 vs.

Securities and Exchange Commission et al.

ON CONSIDERATION of the motion to defer consideration of the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the

Elizabeth C. Lownsbury, Mrs. Evelyn H. Brantley, Richard C. Hassinger et al.,

Petitioners,

601 vs.

Securities and Exchange Commission and The Commonwealth and Southern Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Edwin J. Creel,

Petitioner,

587 vs.

Robert T. Creel;

Edwin J. Creel,

Petitioner,

588 vs.

Robert T. Creel; and

Edwin J. Creel,

Petitioner,

589 vs.

Robert T. Creel.

ON CONSIDERATION of the motion for leave to file a substitute petition in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Edwin J. Creel, Petitioner, vs. Robert T. Creel. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

587

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edwin J. Creel, Petitioner, vs. Robert T. Creel. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

588

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edwin J. Creel, Petitioner, vs. Robert T. Creel. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

589

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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William Dainard,
Petitioner,
218 vs.
James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Tony Leonard Gardner,
Petitioner,
336 vs.
The Railroad Retirement Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Luther A. Sykes,
Petitioner,
367 vs.
Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. R. Lindsey, Petitioner, vs. Charles H. Leavy, C. C. Quackenbush, William A. Huneke et al.

376

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dorsey Willard McMahan, Petitioner, vs. James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

398

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Wilson, Petitioner, vs. The People of the State of Illinois.

462

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold A. Witt, Petitioner,

463 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Kendall County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Golden Booth, Petitioner,

472 vs.

A. C. Aderhold, Warden, Georgia State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Welch, Petitioner,

491 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Woods,
Petitioner,
492 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Kirsch,
Petitioner,
493 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Kirsch,
Petitioner,
494 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald P. Pleeger,
Petitioner,
508 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Renzo Taylor,
Petitioner,
512 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carl Mathews,
Petitioner,
513 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arletus Sharp,
Petitioner,
521 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eugene Stratton,
Petitioner,
522 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carl William West,
Petitioner,
525 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Kane County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Fitzpatrick,
Petitioner,
526 vs.
Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Matthew Nowak,
Petitioner,
527 vs.
Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Vito Nitti,
Petitioner,
536 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Stanley Platt,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

538

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John F. Madden,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

541

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Kingdon William De Normand, Joseph Peter Oddo et al.,

Petitioners,

208 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the petition for rehearing in this case,

IT IS ORDERED by this Court that the motion for leave to file a second petition for rehearing be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Official Aviation Guide Company, Inc.,

Petitioner,

552 vs.

American Aviation Associates, Inc., Wayne W. Parish et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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[illegible] States,

Petitioner,

[illegible] vs.

William R. Johnson; and

United States,

Petitioner,

115 vs.

Jack Commons, James A. Hartigan, et al.

Argued by Mr. Arnold Raum for the petitioner and by Mr. Homer Cummings for the respondents.

[illegible],

Petitioner,

[illegible] vs.

[illegible].

Argument commenced by Mr. Hayden C. Covington for the petitioner and continued by Mr. Irving S. Shapiro for the respondent.

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THURSDAY, JANUARY 3, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Maurice Edelbaum, It is ordered that William I. Siegel, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Lloyd S. Engert, Esquire, of [illegible], State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry S. Stevens, It is ordered that Hedo H. Zacherle, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis X. Reilly, Jr., It is ordered that Alfred Benson Page, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Sibley, It is ordered that Furman Smith, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Berryman Green, It is ordered that Abe J. Garland, Esquire, of Saint Louis, State of Missouri, and Reece A. Gardner, Esquire, of Kansas City, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth H. York, It is ordered that Ward R. Burke, Esquire, of Lufkin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Malcolm F. Halliday, It is ordered that James A. Cobey, Esquire, of La Grange, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urbano A. Zafra, It is ordered that Manuel V. Gallego, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander M. Heron, It is ordered that William L. Owen, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fazo Hamrick Gibson,

Petitioner,

221 vs.

United States.

Argument concluded by Mr. Irving S. Shapiro for the respondent.

Seas Shipping Company, Inc.,

Petitioner,

365 vs.

Joseph Sieracki.

Argued by Mr. Thomas M. Byrne, Jr., for the petitioner and by Mr. Abraham E. Freedman for the respondent.

S. R. A., Inc.,

Petitioner,

254 vs.

State of Minnesota; and

S. R. A., Inc.,

Petitioner,

255 vs.

State of Minnesota.

Argued by Mr. Roland J. Faricy for the petitioner and by Mr. Andrew R. Bratter for the respondent.

Marion H. Allen, Collector of Internal Revenue,

Petitioner,

289 vs.

Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, deceased.

Argument commenced by Mr. J. Louis Monarch for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 4, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Shnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. George M. Johnson, It is ordered that Walter T. Tsukamoto, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack E. Hursh, It is ordered that Varnum Paul, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Leonard Raum, Esquire, of Swampscott, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elry Stone, It is ordered that Howard W. Robbins, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

714 vs.

Edmund Carl Heine.

ON CONSIDERATION of the application of counsel for the petitioner to extend the time within which to perfect service under Rule 38,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including February 14, 1946.

Per Mr. Chief Justice Stone.

Marion H. Allen, Collector of Internal Revenue,

Petitioner,

289 vs.

Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, deceased.

Argument continued by Mr. J. Louis Monarch for the petitioner and concluded by Mr. John A. Sibley for the respondents.

Frank Canizio,

Petitioner,

152 vs.

The People of the State of New York.

Argued by Mr. Maurice Edelbaum for the petitioner and by Mr. William I. Siegel for the respondent.

Stanely Howitt, Flora Post Lee, et al.,

Petitioners,

354 vs.

United States.

Argued by Mr. Walter J. Cummings, Jr., for the respondent and case submitted by Mr. Bart. A. Riley for the petitioners.

Walter E. Meyer,

Petitioner,

vs. No.

Joseph B. Fleming and Aaron Colnon,
as Trustees of the Chicago, Rock
Island and Pacific Railway Company.

Argued by Mr. Walter E. Meyer, pro se, and by Mr. William Stanley for the respondents.

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Proclamation being made the Court is adjourned until Monday, January 7, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Joseph Smith, Esquire, of Philadelphia, Commonwealth of Pennsylvania; Addison Peairs Drummond, Esquire, of Bonifay, State of Florida; and A. Frank Reel, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Arthur Carney Lesher, Jr., Esquire, of Houston, State of Texas; Lawrence Edwin Kelly, Esquire, of Detroit, State of Michigan; and Howard L. Ellis, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Francis Earl Blodgett, Esquire, of Los Angeles, State of California; Robert R. Weaver, Esquire, of Phoenix, State of Arizona; and Homer L. Shantz, Jr., Esquire, of Tucson, State of Arizona, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urbano A. Zafra, It is ordered that P. Lopez, Esquire, of Cebu, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin K. Steers, It is ordered that Edwin M. S. Steers, Esquire, of Indianapolis, State of Indiana, and Cleon H. Foust, Jr., Esquire, of Columbia City, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence D. Todd, Jr., It is ordered that R. A. Moen, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Randolph Marr, It is ordered that Baird V. Helfrich, Esquire, of Peoria, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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J. R. Mason, Petitioner, vs. Paradise Irrigation District. 306

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Bertram Williams, Max Brasch and Heinz Mottek, Suing on Behalf of Themselves and All Other Holders of Class B Debentures of Green Bay and Western Railroad Company,

Petitioners,

100 vs.

Green Bay and Western Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The John Kelley Company,

Petitioner,

36 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Burton concurs in the result.

Mr. Justice Black is of the opinion that the judgment should be affirmed for the reasons given by the Circuit Court of Appeals.

Dissenting opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision

Talbot Mills,
Petitioner,
47 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Black concurs in the result.

Mr. Justice Burton dissents from the result on the grounds stated in the dissenting opinion of Magruder, J., in the Circuit Court of Appeals.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The People of the State of New York, ex rel. Donald A. J. Ray,
Petitioner,
158 vs.
Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

On writ of certiorari to the County Court of Wyoming County, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Wyoming County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said County Court in this cause on the remittitur from the Court of Appeals of the State of New York, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Grace Marsh, Appellant, vs. State of Alabama. — Appeal from the Court of Appeals of the State of Alabama.

114

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Burton join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

A. R. Tucker, Appellant, vs. The State of Texas. — Appeal from the County Court of Medina County, State of Texas.

87

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Medina County, State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said County Court, in this cause, be, and the same is hereby, remanded to the said County Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion of the Chief Justice, Mr. Justice Reed, and Mr. Justice Burton announced by Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

James E. Markham, Alien Property Custodian,

Petitioner,

60 vs.

Alvina Allen, Gertrude Dinwiddie, Hilda Pigozzi et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge is of the opinion that the cause should be remanded to the district court and jurisdiction should be retained by it pending the state court's decision as to the persons entitled to receive the net estate.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Albert Smith,

Petitioner,

73, Misc. vs.

Walter Nierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wilky Carrier Corporation,
Petitioner,
vs.
Doris Young, a Minor, by Emil O. Young, Her Father and Next Friend et al.

580

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James A. Taylor,
Petitioner,
vs.
New York Central Railroad Company.

608

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Terminal Railroad Association of St. Louis, a Corporation,
Petitioner,
vs.
A. T. Schorb.

632

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dr. Tom H. Robertson, M. D.,
Petitioner,
640 vs.
New York Life Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Cecil L. Wright,
Petitioner,
52, Misc. vs.
Michael J. Roche, District Judge, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cecil L. Wright,
Petitioner,
383 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

William H. Fitzpatrick,
Petitioner,
476 vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ray C. Blackburn, Richard L. Schanck and John B. Phillips,
Petitioners,
486 vs.
State of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Edward F. Zap,

Petitioner,

489 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

A petition for rehearing having been submitted in this case;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

And it is further ordered that the order denying certiorari entered December 10, 1945, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the question whether books and records relating to the petitioner's contract with the Navy Department were properly admitted as evidence at his trial. The case is assigned for argument immediately after No. 404.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lillian Boehm,

Petitioner,

69 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case out of time and of the petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Ben Spears, Jr.,

Petitioner,

25, Misc. vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

May Department Stores Company,
Doing Business as Famous-Barr
Company,

Petitioner,

39 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Boyd L. Kithcart,

Petitioner,

564 vs.

Metropolitan Life Insurance Company,
a Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, January 14, until Monday, January 28, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Clara Dellar,

Petitioner,

654 vs.

Samuel Goldwyn, Inc., Samuel Goldwyn,
Eddie Cantor, et al.; and

Clara Dellar,

Petitioner,

655 vs.

Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, et al.

ON CONSIDERATION of the application of counsel for respondents to extend the time to file brief under Rule 38,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 21, 1946.

Per Mr. Chief Justice Stone.

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In the Matter of the Application of General Tomoyuki Yamashita for Writs of Habeas Corpus and Prohibition; and

61, Misc.

General Tomoyuki Yamashita,

Petitioner,

672 vs.

Lieutenant General Wilhelm D. Styer, Commanding General, U. S. Army Forces, Western Pacific.

Colonel Harry E. Clarke, J. A. G. D., permitted to appear and present oral argument pro hac vice for the petitioner on motion of Captain A. Frank Reel, J. A. G. D.

Argument upon the questions presented by the motion for leave to file petition for writs of habeas corpus and prohibition in No. 61, Misc., and by the petition for writ of certiorari in No. 672, commenced by Captain A. Frank Reel, J. A. G. D., for the petitioner; continued by Colonel Harry E. Clarke, J. A. G. D., pro hac vice, by special leave of Court, and by Captain Milton Sandberg, J. A. G. D., for the petitioner; and by Mr. Solicitor General McGrath for the respondents.

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TUESDAY, JANUARY 8, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. A. Norman Somers, It is ordered that William J. Avrutis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Mills Meacham, It is ordered that George P. Smith, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Woodfin L. Butte, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Jack Martin, It is ordered that Marion A. Ross, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that Richard Russell Wolfe, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Matthew Hale, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court,

In the Matter of the Application of
General Tomoyuki Yamashita for Writs
of Habeas Corpus and Prohibition; and

61, Misc.

General Tomoyuki Yamashita,

Petitioner,

672 vs.

Lieutenant General Wilhelm D. Styer,
Commanding General, U. S. Army Forces,
Western Pacific.

Argument upon the questions presented by the motion for leave to file petition for writs of habeas corpus and prohibition in No. 61, Misc., and by the petition for writ of certiorari in No. 672, continued by Mr. Assistant Solicitor General Judson for the respondents, and concluded by Captain A. Frank Reel for the petitioner.

Commissioner of Internal Revenue,

Petitioner,

163 vs.

Laird Wilcox and Maud Wilcox.

Argued by Mr. Ralph F. Fuchs for the petitioner and by Mr. William E. Davis for the respondents.

P. O. Robertson,

Appellant,

274 vs.

The People of the State of California.

Argument commenced by Mr. Robert R. Weaver for the appellant, and continued by Mr. M. Arthur Waite and Mr. T. A. Westphal, Jr. for the appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Frank P. Barker, It is ordered that Chauncey M. Clarke, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Paul Kelley, It is ordered that Louis A. Pawlowski, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that John Orville Evans, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Firestone, It is ordered that Josiah Thompson Herbert, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Sidney J. Kahn, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Findling, It is ordered that Blanche Genauer Wahl, of New York, State of New York, and Marvin Chester Wahl, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Frank G. Levy, Esquire, of Los Angeles, State of California, and Abraham Glasser, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean Hill Stanley, It is ordered that Dudley Farquhar, Esquire, of Long Island City, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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P. O. Robertson,

Appellant,

274 vs.

The People of the State of California.

Argument continued by Mr. T. A. Westphal, Jr., for the appellee and concluded by Mr. Earl Blodgett for the appellant.

Halliburton Oil Well Cementing Company,

Petitioner,

290 vs.

Cranford P. Walker et al., doing business as Depthograph Company, a Corporation.

Argued by Mr. Earl Babcock for the petitioner and by Mr. Harold W. Mattingly for the respondents.

National Labor Relations Board,

Petitioner,

319 vs.

Cheney California Lumber Company.

Argument commenced by Miss Ruth Weyand for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 10, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. William W. Arnold, It is ordered that Albert R. Musick, Esquire, of Chicago, State of Illinois, and Carroll T. Cox, Esquire, of Robinson, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Carl W. Divelbiss, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Trevor V. Roberts, It is ordered that Robert E. Minnich, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph York Houghton, It is ordered that Edwin M. Slote, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert M. Bingham, It is ordered that Charles M. Walker, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Louis E. Torinus, Jr., Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,

Petitioner,

319 vs.

Cheney California Lumber Company.

Argument concluded by Miss Ruth Weyand for the petitioner. No appearance for the respondent.

Otto A. Case, as Commissioner of Public Lands of the State of Washington,

Petitioner,

261 vs.

Chester Bowles, Administrator, Office of Price Administration, and Soundview Pulp Company.

Argued by Mr. R. A. Moen for the petitioner and by Mr. Abraham Glasser and Mr. Robert L. Stern for respondent, Chester Bowles, Administrator, Office of Price Administration. Case submitted by Mr. W. Z. Kerr and Mr. E. S. McCord for respondent, Soundview Pulp Company.

William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration,

Petitioners,

238 vs.

Twin Falls County, Idaho.

Argued by Mr. Robert L. Stern for the petitioners. Case submitted by Mr. Everett M. Sweeley for the respondent.

A. L. Lusthaus,

Petitioner,

263 vs.

Commissioner of Internal Revenue.

Argued by Mr. Paul E. Hutchinson for the petitioner and by Mr. Arnold Raum for the respondent.

Commissioner of Internal Revenue,

Petitioner,

317 vs.

Francis E. Tower.

Argument commenced by Mr. Arnold Raum for the petitioner and continued by Mr. Oscar E. Waer for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Claiborne B. Gregory, Esquire, of Durham, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford A. Sheldon, It is ordered that Harry Reynolds Nelson, Esquire, of Minden, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bruce Ditmas Bromley, It is ordered that Samuel M. Lane, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that L. Alvis Vandygriff, Esquire, of Ennis, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Sanders, It is ordered that Douglas Whitlock, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. O'Connell, It is ordered that Robert Louis Rowe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Duncan Clark, It is ordered that Harry Wilton Sturges, Jr., Esquire, of Stamford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Lee Wills, It is ordered that Frank W. Woodhead, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Boris Holman, It is ordered that Joseph H. Lerner, Esquire, of Newark, State of New Jersey, and Walter R. Huck, Esquire, of Tenafly, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Maloney, It is ordered that Frederick Parsons Warne, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Leo L. Foster, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that Ralph R. Roach, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation et al.

ON CONSIDERATION of the application of Mrs. Bertha Florence Sabin, pro se, to extend the time within which to file supplement to the petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 25, 1946.

Per Mr. Chief Justice Stone.

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Commissioner of Internal Revenue,

Petitioner,

317 vs.

Francis E. Tower.

Argument continued by Mr. Oscar E. Waer for the respondent, by Mr. Arnold Raum for the petitioner, and concluded by Mr. William Wallace Booth for the petitioner in No. 263, by special leave of Court.

Warren W. Wilson et al., Partners doing business as Wilson Lumber Company,

Appellants,

328 vs.

Otho A. Cook, Commissioner of Revenue for the State of Arkansas; and

Otho A. Cook, Commissioner of Revenue
for the State of Arkansas,

Petitioner,

329 vs.

Warren W. Wilson et al., Partners
doing business as Wilson Lumber
Company.

Argued by Mr. O. T. Ward for Otho A. Cook, Commissioner of Revenue, etc., and cases submitted by Mr. William J. Kirby for Warren W. Wilson et al, etc.

Robert E. Hannegan, as Postmaster
General of the United States,

Petitioner,

399 vs.

Esquire, Inc.

Argued by Mr. Marvin C. Taylor for the petitioner and by Mr. Bruce Bromley for the respondent.

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Proclamation being made the Court is adjourned until Monday, January 14, next,

MONDAY, JANUARY 14, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that Roy W. Harper, Esquire, of Caruthersville, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Harold W. Geddes, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Mary Lou Baker, of Saint Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Harold Judson, It is ordered that Delmas C. Hill, Esquire, of Wamego, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that Harry E. Clarke, Esquire, of Altoona, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Dunn, It is ordered that Moss A. Plunkett, Esquire, of Roanoke, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that Thomas M. McCabe, Esquire, of Duluth, State of Minnesota, and Arthur M. Clure, Esquire, of Duluth, State of Minnesota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob S. Guthman, It is ordered that Maurice Parker, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew F. Oehmans, It is ordered that Samuel J. Eaton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that James W. Mason, Jr., Esquire, of Laurinburg, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank A. Mathews, Jr., It is ordered that Benjamin C. Van Tine, Esquire, of Deal, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Terence M. O'Brien, It is ordered that Joseph P. Crowe, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emory H. Price, It is ordered that Julian E. Pant, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Vaia, It is ordered that Richard C. Marshall, 3d, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Jane Sue Laflin, (Mrs.), of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Remy, Jr., It is ordered that Martin S. Tudyk, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that Martin S. Little, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of New York and Saratoga Springs Commission and Saratoga Springs Authority,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

5

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of New York.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Rutledge.

Opinion by Mr. Chief Justice Stone concurring in the result in which Mr. Justice Reed, Mr. Justice Murphy, and Mr. Justice Burton join.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Order of Railway Conductors of America, H. W. Fraser, President Thereof, et al.,

Petitioners,

vs.

Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Company of New Jersey, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

37

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: The judgment of the Circuit Court of Appeals vacating the order of the District Court and remanding the case for dismissal is reversed. The order of the District Court in so far as it contains instructions to its trustees is affirmed. Costs in this Court are to be equally divided.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey with instructions to hold the cause awaiting appropriate action to be taken by the National Railroad Adjustment Board with reference to the collective bargaining agreements involved in this case.

Per Mr. Justice Black.

Opinion by Mr. Justice Rutledge dissenting in part.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

ON CONSIDERATION of the motion of the American Civil Liberties Union for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this motion.

George C. Holmberg et al., on Behalf of Themselves and All Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis,

Petitioners,

505 vs.

Charles Armbrecht et al.

ON CONSIDERATION of the motion of the Trustees of Central States Electric Corporation for leave to file brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this motion.

In the Matter of Theodore R. Storch,

Petitioner.

72, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Salvatore Stizza,

Petitioner,

76, Misc. vs.

Essex County Juvenile and Domestic Relations Court.

ON CONSIDERATION of the application submitted herein by Salvatore Stizza,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eureka Gas Company,

Petitioner,

77, Misc. vs.

Honorable H. Church Ford, Judge of the United States District Court, Eastern District of Kentucky.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Gilbert E. Thiel,

Petitioner,

349 vs.

Southern Pacific Company.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this motion.

Gilbert E. Thiel, Order allowing certiorari.

Petitioner,

349 vs.

Southern Pacific Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, limited to the question whether petitioner's motion to strike the jury panel was properly denied.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

McAllister Lighterage Line, Inc., On petition for writ of certiorari

Petitioner, to the United States Circuit Court

652 vs. of Appeals for the Second Circuit.

Mary Rivas, as Administratrix of the Goods, Chattels and Credits of Jose Rivas, deceased.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis P. Slattery, Petitioner,
633 vs.
Allen A. McDonald, Sheriff of Ingham County, Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that certiorari should be granted.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Roy Miller, Petitioner,
277 vs.
Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Hunter, Petitioner,
360 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl J. McParland, Petitioner,
363 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Raymond J. Wilson, Petitioner,
375 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Nelson O. Sipe, Petitioner,
379 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chalmers H. Laubaugh, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

380

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John C. Burt, Petitioner, vs. Conway P. Coe, Commissioner of Patents. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

382

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William O. Price, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

409

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

George K. Burton, Petitioner,

422 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Byron W. Voorheis, Petitioner,

433 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Phillips, Petitioner,

475 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Francis Haines,
Petitioner,
477 vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ralph Hine,
Petitioner,
543 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bob Brandon,
Petitioner,
551 vs.
Tom Smith, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Miner,
Petitioner,
553 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Sam Buford,
Petitioner,
554 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gene McCann,
Petitioner,
555 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Huggins,
Petitioner,
559 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Arthur Brewer,
Petitioner,
561 vs.
Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Whitehall,
Petitioner,
567 vs.
Joseph E. Hagen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lionel Conn,
Petitioner,
568 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Onal Rawls,
Petitioner,
569 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Spates,
Petitioner,
570 vs.
Robert A. Heinze, Warden of the California State Prison at Folsom.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alex Mazy,
Petitioner,
574 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Stateville, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The People of the State of New York ex rel. Michael Montagno,
Petitioner,
575 vs.
Vernon A. Morhous, Warden of Great Meadow Prison, Comstock, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Levanowicz,
Petitioner,
583 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is

hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Tate Clayton Stack,
Petitioner,
584 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lowell Ator,
Petitioner,
585 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Novak, Petitioner,

586 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Norman Edwards, Petitioner,

590 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward E. Short, Petitioner,

597 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Hunke,

Petitioner,

598 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary et al.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert R. House,

Petitioner,

600 vs.

State of Florida and Nathan Mayo, State Prison Custodian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lawrence Utterback,

Petitioner,

602 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court, Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oliver James, Petitioner,

604 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Circuit Court of Vermilion County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Dorsch, Petitioner,

610 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eddie Duncan, Petitioner,

611 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court, Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Tarver,

Petitioner,

612 vs.

T. P. Sullivan, Director of the Department of Public Safety et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Burnist Smith,

Petitioner,

614 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Peoria County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Taylor,

Petitioner,

615 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Vernon Monder,

Petitioner,

626 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Wallace Bantz,

Petitioner,

44, Misc. vs.

P. J. Squier, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hercules Gasoline Company, Inc.,

Petitioner,

93 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made the Court is adjourned until Monday, January 28, next, at 12 o'clock.

MONDAY, JANUARY 28, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that James P. Swift, Esquire, of Dallas, State of Texas; Burton R. Thorman, Esquire, of Washington, District of Columbia; and Irvin M. Gottlieb, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Martin Gendel, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur D. Mills, It is ordered that H. B. Stubblefield, Esquire, of Little Rock, State of Arkansas, and Gerald D. Morgan, Esquire, of Bethesda, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Arthur P. Bagby, Jr., Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Judson, It is ordered that Thomas M. Davies, Esquire, of Lincoln, State of Nebraska; Charles E. Taylor, Jr., Esquire, of Saint Paul, State of Nebraska; Dwight C. Perkins, Esquire, of Lincoln, State of Nebraska; and Irving Hill, Esquire, of Lincoln, State of Nebraska, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben H. Sullivan, It is ordered that Hobson L. James, Jr., Esquire, of Elizabethtown, Commonwealth of Kentucky; Lawrence W. Thayer, Esquire, of Seattle, State of Washington; Arthur L. Jones, Esquire, of Portland, State of Oregon; and H. W. McLarty, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Valentine B. Deale, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Charles Metcalf Crump, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Herbert F. Krucker, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Ben Bruce Blakeney, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Slaff, It is ordered that Frederic A. Johnson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Boris Holman, It is ordered that Henry G. Singer, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Fitzgerald, It is ordered that Richard Loewe, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen McKevett Farrand, It is ordered that Richard E. Guggenheim, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bert V. Nunneley, It is ordered that Frank E. Cooper, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Roland Electrical Company, Petitioner,	On writ of certiorari to the United States Circuit Court of Appeals for
45 vs.	the Fourth Circuit.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland.

Per Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America and Federal Communications Commission,

Appellants,

55 vs.

New York Telephone Company.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Chief Justice Stone.

Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Township of Hillsborough, Somerset County, N. J., and Christopher G. Horner, Collector of Taxes of the Township of Hillsborough,

Petitioners,

305 vs.

Doris Duke Cromwell, Individually and as Trustee of the Duke Endowment.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice Douglas.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Marion H. Allen, Collector of Internal Revenue,

Petitioner,

289 vs.

Trust Company of Georgia and Hughes Spalding, Executors of the Estate of Jack J. Spalding, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Georgia.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Chester C. Bollenbach,

Petitioner,

41 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Kirby Petroleum Company, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

56

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue, Petitioner, vs. Anna Vickers Crawford. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

197

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

Halliburton Oil Well Cementing Company,

Petitioner,

290 vs.

Cranford P. Walker and Cranford P. Walker, D. A. Walker, et al., Doing Business as Depthograph Company, a Co-partnership.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Antoninette Giraudo Monks,

Appellant,

724 vs.

Ida Nancy Lee.

Appeal from the Probate Court of Suffolk County, Commonwealth of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the Probate Court of Suffolk County, Commonwealth of Massachusetts, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Antoinette Giraudo Monks, Appellant, vs. Ida Nancy Lee. — Appeal from the Probate Court of Suffolk County, Commonwealth of Massachusetts.

724

TREATING the appeal papers herein from the Probate Court of Suffolk County, Commonwealth of Massachusetts, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Twentieth Century Associates, Inc., Appellant, vs. Adolph Waldman. — Appeal from the Municipal Court of the City of New York, State of New York.

725

THIS CAUSE came on to be heard on the transcript of the record from the Municipal Court of the City of New York, State of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that it was not properly allowed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Twentieth Century Associates, Inc., Appellant, vs. Adolph Waldman. — Appeal from the Municipal Court of the City of New York, State of New York.

726

THIS CAUSE came on to be heard on the transcript of the record from the Municipal Court of the City of New York, State of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Dorsey W. McMahan,

Petitioner,

78, Misc. vs.

James V. Bennett, Director, Bureau of Federal Prisons.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Kinner Motors, Inc.,

Petitioner,

79, Misc. vs.

Honorable Campbell E. Beaumont, Judge of the U. S. District Court, Southern District of California.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied because application therefor is made to this Court rather than to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

George S. Miller,

Petitioner,

80, Misc. vs.

Dr. Silas W. Wiltmer, Superintendent,
Spring Grove State Hospital, Catonsville,
Maryland.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

John Dioguardi,

Petitioner,

81, Misc. vs.

Harry M. Durning, Individually and
as Collector of Customs at the Port
of New York.

ON CONSIDERATION of the application submitted herein by John Dioguardi,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Walter N. Smith,

Petitioner,

82, Misc. vs.

Honorable Joseph F. Maguire, Justice of the Domestic Relations Court of the City of New York et al.

ON CONSIDERATION of the application submitted herein by Walter N. Smith,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

John Harding,

Petitioner,

83, Misc. vs.

Honorable F. H. LaGuardia, Mayor of the City of New York et al.

ON CONSIDERATION of the application submitted herein by John Harding,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Irene Morgan,

Appellant,

704 vs.

Commonwealth of Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration of this question.

The Prudential Insurance Company,

Appellant,

707 vs.

L. George Benjamin, as Insurance Commissioner of the State of South Carolina.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration of this question.

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The United States,

Petitioner,

630 vs.

Thomas Lee Causby and Wife, Tinie Causby.

ON CONSIDERATION of the motion to dispense with printing certain exhibits in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this motion.

The United States of America,

Appellant,

447 vs.

Sheldon Maurice Anderson.

ON CONSIDERATION of the motion of the appellee for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the

Paul Knauer,

Petitioner,

510 vs.

The United States of America.

ON CONSIDERATION of the motion to dispense with printing certain parts of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Allen Pope,

Petitioner,

520 vs.

The United States.

ON CONSIDERATION of the motion of George R. Shields for leave to withdraw his appearance as counsel for the petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Cecil I. Hust,

Petitioner,

625 vs.

Moore-McCormick Lines, Inc.

ON CONSIDERATION of the motion of Silas B. Axtell for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this motion.

The John Kelley Company,

Petitioner,

36 vs.

Commissioner of Internal Revenue; and

Talbot Mills,

Petitioner,

47 vs.

Commissioner of Internal Revenue.

It is ordered that the last paragraph of footnote 7 in the opinion in these cases reading as follows, "Since the Federal Trade Commission and the Packers and Stockyards Acts differ as to the finality upon review of the determinations of the respective agencies, (38 Stat. 720; 42 Stat. 162 and 168) the reference to the Commission and to the Act was to show the choice of a circuit court of appeals for judicial review and was not intended to suggest the adoption for the Tax Court review of any standard of scope of review embodied in either act." be stricken and the paragraph is amended to read as follows: "The reference to the Federal Trade Commission and to the Packers and Stockyards Act was to show the choice of a circuit court of appeals for judicial review and was not intended to suggest the adoption for the Tax Court review of any standard of scope of review."

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Sam Karos, Petitioner, On petition for writ of certiorari to the Supreme Court of the State of Michigan.

322 vs.

Ernest Sachs.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Max Shamos,
Petitioner,
524 vs.
People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Indianapolis Glove Company,
Petitioner,
617 vs.
Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Good Luck Glove Company,
Petitioner,
618 vs.
Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Mattie Bradey, as Administratrix of the Estate of Marion Thomas Bradey, deceased,

Petitioner,

622 vs.

The United States of America, as Represented by War Shipping Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Bert O. Peterson, Midwest Holding Company,

Petitioners,

643 vs.

Harold L. Ickes, Individually and as Secretary of the Interior et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Aldred Investment Trust et al.,

Petitioners,

645 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the

Wesley W. West,
Petitioner,
667 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

J. Marion West,
Petitioner,
668 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Estate of J. M. West, deceased, James M. West, Jr., et al., Executors,
Petitioners,
669 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Jessie Gertrude West, Petitioner, vs. Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

670

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gas Ridge, Inc., Petitioner, vs. Suburban Agricultural Properties, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

653

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Salvatore Maugeri, Petitioner, vs. The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

678

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

H. Smith Richardson,
Petitioner,
682 - vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louis Lober,
Petitioner,
686 vs.
Canadian Pacific Railway Company, Edward A. Whitman et al., Trustees, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Roy D. Keehn, as Receiver of Central Mutual Insurance Company of Chicago,
Petitioner,
695 vs.
Charles J. Rogers, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Reader's Digest Association, Inc., Petitioner,

708 vs.

Sidney S. Grant.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Homer C. Zink, Comptroller of the Treasury of New Jersey et al., Petitioners,

737 vs.

City of Jersey City et al.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Mr. Justice Rutledge took no part in the consideration or decision of these applications.

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Rosalie Glaston,
Petitioner,
621 vs.
Joseph Glaston.

On petition for writ of certiorari to the District Court of Appeal, Second Appellate District, State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Walter Evenow,
Petitioner,
623 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Harry H. Joiner,
Petitioner,
624 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the

James Williams, Petitioner,
635 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court, Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Joseph Bernovich, Petitioner,
641 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Lew Palmer, Petitioner,
646 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Kadlecek, Petitioner,
647 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Henry P. Berry, Petitioner,
648 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Charles Moore, Petitioner,
657 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Santos Baronia,
Petitioner,
660 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Albert Walker,
Petitioner,
661 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Willis Jones,
Petitioner,
662 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge

Michael Prokop,
Petitioner,
664 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Fred Hines,
Petitioner,
673 vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Joseph Krazik,
Petitioner,
679 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dominick Feletti, Petitioner,

690 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Albert Ruggio, Petitioner,

691 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Charles F. James, Petitioner,

711 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the

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Arthur Lewis,
Petitioner,
628 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

John B. Lapean,
Petitioner,
642 vs.
The State of Wisconsin.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Henry Terry,

Petitioner,

681 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Harry Griffin,

Petitioner,

684 vs.

Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

In the Matter of William Fraser,

Petitioner.

51, Misc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Johnson,

Petitioner,

69, Misc. vs.

John Hancock Mutual Life Insurance Company et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Salvatore Stizza,

Petitioner,

76, Misc. vs.

Essex County Juvenile and Domestic Relations Court.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

145 vs.

J. M. Flowers.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a fourth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

269 vs.

Home Owners' Loan Corporation et al.

ON CONSIDERATION of the petition for rehearing and supplement thereto filed in this case,

IT IS ORDERED by this Court that the said petition and supplement be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Cecil L. Wright,

Petitioner,

383 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the application of the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including February 28.

Per Mr. Chief Justice Stone.

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The United States of America,
Interstate Commerce Commission,
Consolidated Freightways, Inc.,
et al.,

Appellants,

74 vs.

Pierce Auto Freight Lines, Inc.,
Los Angeles-Seattle Motor Express,
Angelo Colletti, et al.

Argued by Mr. J. Stanley Payne for the appellants, United States and Interstate Commerce Commission; by Mr. Donald A. Schafer for the appellants, Consolidated Freightways, Inc., et al.; and by Mr. William P. Ellis for the appellees.

American Surety Company of New York,

Petitioner,

142 vs.

Paul W. Sampsell, as Trustee in
Bankruptcy of the Estate of Charles
B. Stratton, etc.

Argued by Mr. Homer Cummings for the petitioner and by Mr. Martin Gendel for the respondent.

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Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Raymond Kit Carson, It is ordered that Byron L. Kimball, Esquire, of Spooner, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Harold C. Stuart, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ruppert Bingham, It is ordered that Arthur H. Nielsen, Esquire, of Salt Lake City, State of Utah; Zar E. Hayes, Esquire, of Salt Lake City, State of Utah; and Wayne L. Christoffersen, Esquire, of Salt Lake City, State of Utah, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Joseph Kearney, It is ordered that George B. McMurray, Jr., Esquire, of Peoria, State of Illinois, and Gordon F. Hampton, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Johnston, It is ordered that John E. Mahoney, Esquire, of Roslyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene M. Caffey, It is ordered that George L. Trumbull, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Leonard J. Calhoun, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurgood Marshall, It is ordered that Andrew D. Weinberger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn Earl Baird, It is ordered that James A. Bistline, Esquire, of New York, State of New York, and Brainard S. Sabin, Esquire, of Battle Creek, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Goodwin, It is ordered that Orville S. Luckenbach, Esquire, of Shawano, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Cooney, It is ordered that Christian J. Otjen, Esquire, of Milwaukee, State of Wisconsin, and Samuel J. Scott, Esquire, of Golconda, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Lillian C. McLaurin, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Donald Wayne MacClaire, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Frances A. Kaser, It is ordered that Bertha A. Sherman, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Frank J. Donner, It is ordered that William B. Mehler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. G. Reuschlein, It is ordered that James E. Corkey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Clif Langsdale, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Steve Anderson, Earl Trombley,
Lillian Socia, et al.,

Petitioners,

342 vs.

Mt. Clemens Pottery Company.

Argued by Mr. Edward Lamb for the petitioners and by Mr. Frank E. Cooper and Mr. Bert V. Munneley for the respondent.

Arthur L. Bell, Individually and as an Associate of and Division Superintendent of "Mankind United," etc., et al.,

Petitioners,

344 vs.

R. B. Hood, Theodore Cruise, Philip Bowser, et al.

Argued by Mr. A. L. Wirin and Mr. Russell E. Parsons for the petitioners and by Mr. Frederick Bernays Wiener for the respondents. Leave granted petitioners to file reply brief.

Bruce's Juices, Inc.,

Petitioner,

402 vs.

American Can Company.

Argument commenced by Mr. Thurman Arnold for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that John G. Baker, Esquire, of Orlando, State of Florida, and Joseph James Bartl, Esquire, of La Crosse, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Don Edwin Raney, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that Louis DeWitt Hale, Esquire, of Farmersville, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Thomas M. Scanlon, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Hale, It is ordered that Nunzi F. Napolitano, Esquire, of Portland, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Nadine Lane Gallagher, It is ordered that Walter W. Grelle, Jr., Esquire, of Columbus, State of Ohio, and Milton M. Perrell, Esquire, of Macon, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Bruce's Juices, Inc.,

Petitioner,

402 vs.

American Can Company.

Argument continued by Mr. Thurman Arnold for the petitioner, by Mr. John Lord O'Brian for the respondent and concluded by Mr. Cody Fowler for the petitioner.

El Dorado Oil Works and El Dorado Terminal Company,

Appellants,

428 vs.

United States, Interstate Commerce Commission, General American Transportation Corporation, et al.

Argued by Mr. W. F. Williamson for the appellants and by Mr. Daniel W. Knowlton for the appellees, the United States and Interstate Commerce Commission. Case submitted by Mr. Kenneth F. Burgess, Mr. Douglas F. Smith, and Mr. Allan P. Matthew for the appellee, General American Transportation Corporation.

Kennecott Copper Corporation,

Petitioner,

424 vs.

State Tax Commission, et al.; and

Silver King Coalition Mines Company,

Petitioner,

425 vs.

State Tax Commission, et al.

Argument commenced by Mr. C. C. Parsons for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 31, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. J. Paul Stewart, It is ordered that John B. Ogden, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that William M. Kenefick, Esquire, of Michigan City, State of Indiana, and Winfred O. Hughes, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Millet Hand, It is ordered that William Y. Pryor, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that Dan Williams, Jr., Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Samuel Mezansky, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Van Hecke, It is ordered that Dennis McCarthy, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Padjo Travers, It is ordered that William H. Harris, Esquire, of Fort Smith, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eliot C. Lovett, It is ordered that Clarence Fried, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Kennecott Copper Corporation,

Petitioner,

424 vs.

State Tax Commission et al.; and

Silver King Coalition Mines Company,

Petitioner,

425 vs.

State Tax Commission et al.

Argument continued by Mr. C. C. Parsons for the petitioners, by Mr. Zar M. Hayes and Mr. Arthur H. Nielsen for the respondent, and concluded by Mr. Charles A. Horsky for the petitioners.

Alpine MacGregor,

Petitioner,

410 vs.

Westinghouse Electric & Manufacturing Company.

Argued by Mr. William B. Jaspert for the petitioner and by Mr. Jo Baily Brown for the respondent.

The United States,

Petitioner,

387 vs.

Alcea Band of Tillamooks et al.

Argument commenced by Mr. Walter J. Cummings, Jr., for the petitioner and continued by Mr. Everett Sanders for the respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
William O. Douglas, Associate Justices.
Frank Murphy,
Harold H. Burton.

Thomas Lynnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Dominick Manoli, It is ordered that Carl J. Peter, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that R. O. Kenley, Jr., Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter J. Cummings, Jr., It is ordered that Alfred C. Baass, Esquire, of Victoria, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Kaufmann, It is ordered that F. Joseph Donohue, Esquire, of Washington, District of Columbia, and Milton S. Kronheim, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wallace Haynes Walker, It is ordered that Isadore H. Cohen, Esquire, of West Nyack, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence D. Todd, Jr., It is ordered that William Q. Haney, Esquire, of Colorado Springs, State of Colorado, and Joseph A. Tursone, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Denny, Jr., It is ordered that David B. Gideon, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States,

Petitioner,

387 vs.

Alcea Band of Tillamooks et al.

Argument concluded by Mr. Everett Sanders for the respondents.

George C. Holmberg et al., on
Behalf of Themselves and All Other
Creditors of the Southern Minnesota
Joint Stock Land Bank of Minneapolis,

Petitioners,

505 vs.

Charles Armbrecht et al.

Argued by Mr. Clarence Fried for the petitioners and by Mr. Edgar M. Souza for the respondents.

Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, deceased,

Petitioner,

484 vs.

The Pennsylvania Railroad Company.

Argued by Mr. Morris A. Wainger for the petitioner and by Mr. Ray Rood Allen for the respondent.

Charles Swanson,

Petitioner,

405 vs.

Marra Brothers, Inc.

Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Joseph W. Henderson for the respondent.

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Proclamation being made the Court is adjourned until Monday, February 4, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Alan P. Cusick, Esquire, of Providence, State of Rhode Island; Howard L. Foster, Esquire, of Seattle, State of Washington; and Charles T. Branham, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that William Jaffe, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Robert B. Crew, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Manly Fleischmann, Esquire, of Buffalo, State of New York; Wayne G. Jackson, Esquire, of New York, State of New York; and Lloyd Symington, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin J. Sonosky, It is ordered that Alfred Stevenson, Esquire, of Holdenville, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Harold A. Pebbles, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Hill; Grove, It is ordered that Edward A. McMahon, Esquire, of Takoma Park, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Lawson Barnes, It is ordered that Lorraine McMullen, of Slater, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James M. Barnes, It is ordered that A. Bradley Eben, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas C. McConnell, It is ordered that Hubert Van Hook, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that George P. Drury, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Roscoe Anderson, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Sterling Youngman, Jr., It is ordered that Frank G. Sterritte, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Edward Pulteney Wright, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Thomas Martino, Petitioner, vs. Michigan Window Cleaning Company. 21

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

William Murray Estep, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Opinion by Mr. Justice Frankfurter concurring in the result.

Concurring opinion by Mr. Justice Murphy.

Concurring opinion by Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Burton in which the Chief Justice concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Louis Dabney Smith, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the

same is hereby, remanded to the District Court of the United States for the Eastern District of South Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Opinion by Mr. Justice Frankfurter concurring in the result.

Concurring opinion by Mr. Justice Murphy.

Concurring opinion by Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Burton in which the Chief Justice concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Robert E. Hannegan, as Postmaster General of the United States,

Petitioner,

vs.

Esquire, Inc.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

399

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Walter E. Meyer,
Petitioner,
392 vs.
Joseph B. Fleming and Aaron Colnon, as Trustees of the Chicago, Rock Island and Pacific Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

Frank Canizio,
Petitioner,
152 vs.
The People of the State of New York.

On writ of certiorari to the County Court, Kings County, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the County Court, Kings County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said County Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Otto A. Case, as Commissioner of Public Lands of the State of Washington,

Petitioner,

261 vs.

Chester Bowles, Administrator, Office of Price Administration, and Soundview Pulp Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Washington.

Per Mr. Justice Black.

Dissenting: Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

William C. Hulbert and Chester Bowles, Administrator, Office of Price Administration,

Petitioners,

238 vs.

Twin Falls County, Idaho.

On writ of certiorari to the Supreme Court of the State of Idaho.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Idaho, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner,

115 vs.

William H. Johnson

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with direction to enforce the judgment against defendant.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, Petitioner,

116 vs.

Jack Sommers, James A. Hartigan, William P. Kelly, and Stuart Solomon Brown.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with direction to enforce the judgment against defendants.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Murphy took no part in the consideration or decision of this case.

In the Matter of the Application of
General Tomoyuki Yamashita for Writs
of Habeas Corpus and Prohibition.

61, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writs of habeas corpus and prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Murphy and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this application.

General Tomoyuki Yamashita,
Petitioner,
vs.
Lieutenant General Wilhelm D. Styer,
Commanding General, U. S. Army Forces,
Western Pacific.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

672

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Murphy and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Chief Justice announced the following order of the Court:

Republic Pictures Corporation, Appellant, vs. Francis Kappler. — Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

723

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the judgment of the Circuit Court of Appeals be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the judgment of the Circuit Court of Appeals in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Iowa.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

The United States of America, Complainant, vs. The State of California. — 12, Original

The answer of the State of California is received and ordered filed.

Per Mr. Chief Justice Stone.

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In the Matter of the Application of
General Tomoyuki Yamashita for Writs
of Habeas Corpus and Prohibition; and

61, Misc.

General Tomoyuki Yamashita,

Petitioner,

672 vs.

Lieutenant General Wilhelm D. Styer,
Commanding General, U. S. Army Forces,
Western Pacific.

It is ordered that the order of this Court of December 17, 1945, staying all further proceedings in these causes pending the consideration and determination of the applications for writs of habeas corpus and prohibition and of the petition for writ of certiorari is vacated.

It is further ordered that certified copies of the orders denying the motions for leave to file the petitions for writs of habeas corpus and prohibition and denying the petition for writ of certiorari be issued forthwith.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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Floyd W. Lamore,

Petitioner,

85, Misc. vs.

E. J. Welch, Superintendent, D. C.
Reformatory, Lorton, Virginia.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Peter Mesco,

Petitioner,

84, Misc. vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion to withdraw the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Cecil I. Hust, Order allowing certiorari.

Petitioner,

625 vs.

Moore-McCormack Lines, Inc.

The petition herein for a writ of certiorari to the Supreme Court of the State of Oregon is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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William B. Denny, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

650

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William B. Denny, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

651

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Hudson Coal Company, Petitioner, vs. Arja Watkins, Roger G. Westgate, Louis C. McAllister et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

703

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Federal National Bank of Shawnee, Oklahoma, Guardian of the Estate of Minnie C. Cammack, an Incompetent Person,

Petitioner,

705 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

H. J. Blackford, W. H. B. Simpson, W. V. A. Waterman and Ed. C. Wright,

Petitioners,

715 vs.

Legh R. Powell, Jr. and Henry W. Anderson, Receivers of the Seaboard Air Line Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Leo Bailey, Petitioner, vs. The State of Florida. 620

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Samuel R. Toucey, Petitioner, vs. New York Life Insurance Company. 649

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy Bridges, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. 689

On petition for writ of certiorari to the Circuit Court of Vermilion County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Mollie Eagle,
Petitioner,
706 vs.
Benjamin Cherney and Samuel H. Berger.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Kobley,
Petitioner,
663 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Anthony Wilke,
Petitioner,
730 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

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Commissioner of Internal Revenue,

Petitioner,

203 vs.

Estate of Harry Holmes, Deceased, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. R. Mason,

Petitioner,

306 vs.

Paradise Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Raymond J. Wilson,

Petitioner,

375 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John C. Burt,

Petitioner,

382 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William O. Price,

Petitioner,

409 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Allen Pope,

Petitioner,

520 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Boyd L. Kithcart,

Petitioner,

564 vs.

Metropolitan Life Insurance Company.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case and of the petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted; and that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, February 11, until Monday, February 25.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Jorge Irizarry Crespo,

Petitioner,

495 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

It appearing to the Court that counsel for the petitioner has failed to comply with the rules of this Court;

Therefore, it is ordered that the petition for writ of certiorari in this case be, and the same is hereby, dismissed for failure to comply with the rules of this Court.

Per Mr. Chief Justice Stone.

Federal Trade Commission,

Petitioner,

320 vs.

A. P. W. Paper Company, Inc.

Argued by Mr. Solicitor General McGrath for the petitioner and by Mr. Edward H. Green for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Forrest C. Donnell, It is ordered that Claude A. Ferguson, Esquire, of Kansas City, State of Missouri; B. Sherman Landau, Esquire, of Saint Louis, State of Missouri; George O. Durham, Esquire, of Saint Louis, State of Missouri; and Noah Weinstein, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that W. J. Dingus, Jr., Esquire, of Covington, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam L. Collins, It is ordered that Walter J. Fourt, Esquire, of Ventura, State of California, and Jack B. Tenney, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur LaRoe, Jr., It is ordered that W. Blum, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James W. Huffman, It is ordered that S. M. Sokol, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that Charles W. Lowder, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Miles Norwin Pillars, It is ordered that Clarence L. Browning, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold B. Corwin, It is ordered that Charles P. Franchot, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Sullivan, It is ordered that Roy M. Blackman, Jr., Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Lucy Somerville Howorth, It is ordered that Rose Marie Burckell, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Warren McLaine, It is ordered that Thelma Siofkas Prescott, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Grover Newton McCormick, It is ordered that William A. McTighe, Jr., Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isidore Feibleman, It is ordered that Charles B. Feibleman, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Shulman, It is ordered that Norman L. Weisman, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that Theodore G. Quintal, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight L. Rogers, It is ordered that Thomas O. Berryhill, Esquire, of Fort Lauderdale, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United States,

411 vs.

Judge Eugene Rice, District Judge for the Eastern District of Oklahoma.

Argued by Mr. Marvin J. Sonosky for the United States and by Mr. Alfred Stevenson for Eugene Rice, Judge, etc.

Jack Davis,

Petitioner,

404 vs.

United States.

Argued by Mr. Samuel Mezansky for the petitioner and by Mr. John J. Cooney for the respondent.

Edgard F. Zap,

Petitioner,

489 vs.

United States.

Argument commenced by Mr. Morris Lavine for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

WEDNESDAY, FEBRUARY 6, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Clair Engle, It is ordered that Edwin Joseph Regan, Esquire, of Weaverville, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that John A. Paap, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles O. Patterson, It is ordered that John A. Lowther, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold D. Brown, It is ordered that Edward M. Townsend, Esquire, of Frederick, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Kenneth Y. Fung, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Tom Watson, It is ordered that Sumter Leitner, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. E. Jaeger, It is ordered that James M. Brock, Esquire, of Medford, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack E. Marsh, It is ordered that William R. Lane, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George O. Durham, It is ordered that Frederick A. Judell, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Finn, It is ordered that John F. Connelly, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Joseph Shankey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that William Kent Van Allen, Esquire, of Washington, District of Columbia, be admitted as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,

Petitioner,

786 vs.

Donnelly Garment Company, Donnelly Garment Workers' Union et al.

ON CONSIDERATION of the application of the Solicitor General to extend the time within which to make service under Rule 38,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including February 23, 1946.

Per Mr. Chief Justice Stone.

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Edward P. Zap,

Petitioner,

489 vs.

United States.

Argument continued by Mr. Morris Lavine for the petitioner, by Mr. Ralph F. Fuchs for the respondent, and concluded by Mr. Morris Lavine for the petitioner. Leave granted petitioner to file additional brief on or before Friday next.

Jerome F. Duggan, Trustee of the Estate of Christopher Engineering Company and National Aircraft Corporation,

Petitioner,

418 vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation; and

National Aircraft Corporation,

Petitioner,

419 vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation.

Argued by Mr. George O. Durham for the petitioners and by Mr. Isidore Feibleman and Mr. Charles B. Feibleman for the respondent.

E. L. Ashcraft and John Ware,

Petitioners,

381 vs.

State of Tennessee.

Argument commenced by Mr. James F. Bickers for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Thomas F. McGovern, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Vournas, It is ordered that George E. Loucas, Esquire, of Weirton, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney V. Smith, It is ordered that George H. Klein, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urbano A. Zafra, It is ordered that Tomas L. Cabili, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Milam, It is ordered that Edward E. Fleming, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Granville M. Pine, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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E. E. Ashcraft and John Ware,

Petitioners,

381 vs.

State of Tennessee.

Argument continued by Mr. James F. Bickers and Mr. Grover N. McCormick for the petitioners and concluded by Mr. Nat Tipton for the respondent.

Florence B. Bigelow, Marion B. Koerber, John S. Bloom, et al.,

Petitioners,

444 vs.

RKO Radio Pictures, Inc., Loew's, Incorporated, et al.

Argued by Mr. Thomas C. McConnell for the petitioners and by Mr. Edward F. McClennen for the respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Emmalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that Harold O. Keele, Esquire, of West Liberty, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Combs, It is ordered that Joe Halbert Tonahill, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael Carchia, It is ordered that Walter F. Levis, Esquire, of Belmont, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Robert Todd McKinlay, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Crawford, It is ordered that Louis Matkoff, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman L. Watson, It is ordered that Robert Eugene Bryant, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Parsons, It is ordered that Ralph W. Wofford, Esquire, of Victoria, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ira L. Ewers, It is ordered that Thomas L. Morrow, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin P. Sullivan, It is ordered that Norman Orme, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"It is ordered that the Rules governing proceedings in criminal cases after verdict, finding of guilty or not guilty by the court, or plea of guilty, be prescribed pursuant to the Act of February 24, 1933."

O R D E R

IT IS ORDERED on this eighth day of February, 1946, that the annexed Rules governing proceedings in criminal cases after verdict, finding of guilty or not guilty by the court, or plea of guilty, be prescribed pursuant to the Act of February 24, 1933, c. 119, as amended (47 Stat. 904; U. S. Code, Title 18, Sec. 688) for the District Courts of the United States, the United States Circuit Courts of Appeals, the United States Court of Appeals for the District of Columbia, and the Supreme Court of the United States, and that said Rules shall become effective on the twenty-first day of March, 1946.

IT IS FURTHER ORDERED that these Rules and the Rules heretofore promulgated by order dated December 26, 1944, governing proceedings prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty, shall be consecutively numbered as indicated and shall be known as the Federal Rules of Criminal Procedure.

Per Mr. Chief Justice Stone.

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LETTER OF SUBMITTAL

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 3, 1945.

To the Senate and House of Representatives of the United States of America in Congress assembled:

I have the honor to report to the Congress, under the provisions of the act of June 29, 1940, chapter 445 (54 Stat. 688; U. S. C., title 18, sec. 687), at the beginning of a regular session thereof commencing on the 3d day of January 1945, the enclosed Rules of Criminal Procedure for the District Courts of the United States, governing proceedings prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty.

By letter of December 26, 1944, from the Chief Justice of the United States, a copy of which appears as a prefix to the rules trasmitted herewith, I am advised that such rules have been prescribed by the Supreme Court pursuant to the act of June 29, 1940, chapter 445; and I am requested by the Supreme Court to report these rules to the Congress at the beginning of the regular session in January 1945.

Respectfully,

FRANCIS BIDDLE,
Attorney General.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.
Chambers of
THE CHIEF JUSTICE
1929 Twenty-fourth Street NW.

DECEMBER 26, 1944.

Honorable FRANCIS BIDDLE,
Attorney General of the United States,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: By direction of the Supreme Court, I transmit to you herewith the Rules of Criminal Procedure for the District Courts of the United States governing proceedings in criminal cases prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty, which have been prescribed by the Supreme Court pursuant to the Act of June 29, 1940, c. 445, 54 Stat. 688.

The Court requests you, as provided in that Act, to report these Rules to the Congress at the beginning of the regular session in January next.

I have the honor to remain,

Respectfully yours,

HARLAN F. STONE,
Chief Justice of the United States.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

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John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

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American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

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John D. Pennekamp and the Miami Herald Publishing Company,

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Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

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RULES OF CRIMINAL PROCEDURE FOR THE DISTRICT COURTS OF THE UNITED STATES

I. SCOPE, PURPOSE, AND CONSTRUCTION

Rule 1. Scope. These rules govern the procedure in the courts of the United States and before United States commissioners in all criminal proceedings, with the exceptions stated in Rule 54.

Rule 2. Purpose and Construction. These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

II. PRELIMINARY PROCEEDINGS

Rule 3. The Complaint. The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before a commissioner or other officer empowered to commit persons charged with offenses against the United States.

Rule 4. Warrant or Summons upon Complaint.

(a) ISSUANCE. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to execute it. Upon the request of the attorney for the government a summons instead of a warrant shall issue. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

(b) FORM.

(1) *Warrant.* The warrant shall be signed by the commissioner and shall contain the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged in the complaint. It shall command that the defendant be arrested and brought before the nearest available commissioner.

(2) *Summons.* The summons shall be in the same form as the warrant except that it shall summon the defendant to appear before a commissioner at a stated time and place.

(c) EXECUTION OR SERVICE; AND RETURN.

(1) *By Whom.* The warrant shall be executed by a marshal or by some other officer authorized by law. The summons may be served by any person authorized to serve a summons in a civil action.

(2) *Territorial Limits.* The warrant may be executed or the summons may be served at any place within the jurisdiction of the United States.

(3) *Manner.* The warrant shall be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the defendant as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by mailing it to the defendant's last known address.

(4) *Return.* The officer executing a warrant shall make return thereof to the com-

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

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American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11,

missioner or other officer before whom the defendant is brought pursuant to Rule 5. At the request of the attorney for the government any unexecuted warrant shall be returned to the commissioner by whom it was issued and shall be cancelled by him. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the commissioner before whom the summons is returnable. At the request of the attorney for the government made at any time while the complaint is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the commissioner to the marshal or other authorized person for execution or service.

Rule 5. Proceedings before the Commissioner.

(a) APPEARANCE BEFORE THE COMMISSIONER. An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States. When a person arrested without a warrant is brought before a commissioner or other officer, a complaint shall be filed forthwith.

(b) STATEMENT BY THE COMMISSIONER. The commissioner shall inform the defendant of the

complaint against him, of his right to retain counsel and of his right to have a preliminary examination. He shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him. The commissioner shall allow the defendant reasonable time and opportunity to consult counsel and shall admit the defendant to bail as provided in these rules.

(c) PRELIMINARY EXAMINATION. The defendant shall not be called upon to plead. If the defendant waives preliminary examination, the commissioner shall forthwith hold him to answer in the district court. If the defendant does not waive examination, the commissioner shall hear the evidence within a reasonable time. The defendant may cross-examine witnesses against him and may introduce evidence in his own behalf. If from the evidence it appears to the commissioner that there is probable cause to believe that an offense has been committed and that the defendant has committed it, the commissioner shall forthwith hold him to answer in the district court; otherwise the commissioner shall discharge him. The commissioner shall admit the defendant to bail as provided in these rules. After concluding the proceeding the commissioner shall transmit forthwith to the clerk of the district court all papers in the proceeding and any bail taken by him.

68-2340—46——2

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11,

III. INDICTMENT AND INFORMATION

Rule 6. The Grand Jury.

(a) SUMMONING GRAND JURIES. The court shall order one or more grand juries to be summoned at such times as the public interest requires. The grand jury shall consist of not less than 16 nor more than 23 members. The court shall direct that a sufficient number of legally qualified persons be summoned to meet this requirement.

(b) OBJECTIONS TO GRAND JURY AND TO GRAND JURORS.

(1) *Challenges.* The attorney for the government or a defendant who has been held to answer in the district court may challenge the array of jurors on the ground that the grand jury was not selected, drawn or summoned in accordance with law, and may challenge an individual juror on the ground that the juror is not legally qualified. Challenges shall be made before the administration of the oath to the jurors and shall be tried by the court.

(2) *Motion to Dismiss.* A motion to dismiss the indictment may be based on objections to the array or on the lack of legal qualification of an individual juror, if not previously determined upon challenge. An indictment shall not be dismissed on the ground that one or more members of the

grand jury were not legally qualified if it appears from the record kept pursuant to subdivision (c) of this rule that 12 or more jurors, after deducting the number not legally qualified, concurred in finding the indictment.

(c) FOREMAN AND DEPUTY FOREMAN. The court shall appoint one of the jurors to be foreman and another to be deputy foreman. The foreman shall have power to administer oaths and affirmations and shall sign all indictments. He or another juror designated by him shall keep a record of the number of jurors concurring in the finding of every indictment and shall file the record with the clerk of the court, but the record shall not be made public except on order of the court. During the absence of the foreman, the deputy foreman shall act as foreman.

(d) WHO MAY BE PRESENT. Attorneys for the government, the witness under examination, interpreters when needed and, for the purpose of taking the evidence, a stenographer may be present while the grand jury is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

(e) SECRECY OF PROCEEDINGS AND DISCLOSURE. Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the government for use in the performance of their duties. Otherwise a juror, attorney, interpreter or stenographer may disclose matters occurring

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Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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before the grand jury only when so directed by the court preliminarily to or in connection with a judicial proceeding or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury. No obligation of secrecy may be imposed upon any person except in accordance with this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

(f) FINDING AND RETURN OF INDICTMENT. An indictment may be found only upon the concurrence of 12 or more jurors. The indictment shall be returned by the grand jury to a judge in open court. If the defendant has been held to answer and 12 jurors do not concur in finding an indictment, the foreman shall so report to the court in writing forthwith.

(g) DISCHARGE AND EXCUSE. A grand jury shall serve until discharged by the court but no grand jury may serve more than 18 months. The tenure and powers of a grand jury are not affected by the beginning or expiration of a term of court. At any time for cause shown the court may excuse a juror either temporarily or permanently, and in the latter event the court may impanel another person in place of the juror excused.

Rule 7. The Indictment and the Information.

(a) USE OF INDICTMENT OR INFORMATION. An offense which may be punished by death shall be prosecuted by indictment. An offense which may be punished by imprisonment for a term exceeding one year or at hard labor shall be prosecuted by indictment or, if indictment is waived, it may be prosecuted by information. Any other offense may be prosecuted by indictment or by information. An information may be filed without leave of court.

(b) WAIVER OF INDICTMENT. An offense which may be punished by imprisonment for a term exceeding one year or at hard labor may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment.

(c) NATURE AND CONTENTS. The indictment or the information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the attorney for the government. It need not contain a formal commencement, a formal conclusion or any other matter not necessary to such statement. Allegations made in one count may be incorporated by reference in another count. It may be alleged in a single count that the means by which the defendant committed the offense are unknown or that he committed it by one or more specified means. The indictment or information shall state for each count the official or customary citation of the statute, rule, regula-

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tion or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the indictment or information or for reversal of a conviction if the error or omission did not mislead the defendant to his prejudice.

(d) SURPLUSAGE. The court on motion of the defendant may strike surplusage from the indictment or information.

(e) AMENDMENT OF INFORMATION. The court may permit an information to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced.

(f) BILL OF PARTICULARS. The court for cause may direct the filing of a bill of particulars. A motion for a bill of particulars may be made only within ten days after arraignment or at such other time before or after arraignment as may be prescribed by rule or order. A bill of particulars may be amended at any time subject to such conditions as justice requires.

Rule 8. Joinder of Offenses and of Defendants.

(a) JOINDER OF OFFENSES. Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

(b) JOINDER OF DEFENDANTS. Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

Rule 9. Warrant or Summons upon Indictment or Information.

(a) ISSUANCE. Upon the request of the attorney for the government the court shall issue a warrant for each defendant named in the information, if it is supported by oath, or in the indictment. The clerk shall issue a summons instead of a warrant upon the request of the attorney for the government or by direction of the court. Upon like request or direction he shall issue more than one warrant or summons for the same defendant. He shall deliver the warrant or summons to the marshal or other person authorized by law to execute or serve it. If a defendant fails to appear in response to the summons, a warrant shall issue.

(b) FORM.

(1) *Warrant.* The form of the warrant shall be as provided in Rule 4 (b) (1) except that it shall be signed by the clerk, it shall describe the offense charged in the indictment or information and it shall command that the defendant be arrested and brought

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before the court. The amount of bail may be fixed by the court and endorsed on the warrant.

(2) *Summons.* The summons shall be in the same form as the warrant except that it shall summon the defendant to appear before the court at a stated time and place.

(c) EXECUTION OR SERVICE; AND RETURN.

(1) *Execution or Service.* The warrant shall be executed or the summons served as provided in Rule 4 (c) (1), (2) and (3). A summons to a corporation shall be served by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the district or at its principal place of business elsewhere in the United States. The officer executing the warrant shall bring the arrested person promptly before the court or, for the purpose of admission to bail, before a commissioner.

(2) *Return.* The officer executing a warrant shall make return thereof to the court. At the request of the attorney for the government any unexecuted warrant shall be returned and cancelled. On or before the return day the person to whom a summons was delivered for service shall make return

thereof. At the request of the attorney for the government made at any time while the indictment or information is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the clerk to the marshal or other authorized person for execution or service.

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IV. ARRAIGNMENT, AND PREPARATION FOR TRIAL

Rule 10. Arraignment. Arraignment shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating to him the substance of the charge and calling on him to plead thereto. He shall be given a copy of the indictment or information before he is called upon to plead.

Rule 11. Pleas. A defendant may plead not guilty, guilty or, with the consent of the court, *nolo contendere*. The court may refuse to accept a plea of guilty, and shall not accept the plea without first determining that the plea is made voluntarily with understanding of the nature of the charge. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

Rule 12. Pleadings and Motions before Trial; Defenses and Objections.

(a) PLEADINGS AND MOTIONS. Pleadings in criminal proceedings shall be the indictment and the information, and the pleas of not guilty, guilty and *nolo contendere*. All other pleas, and demurrers and motions to quash are abolished, and defenses and objections raised before trial which heretofore could have been raised by one

or more of them shall be raised only by motion to dismiss or to grant appropriate relief, as provided in these rules.

(b) THE MOTION RAISING DEFENSES AND OBJECTIONS.

(1) *Defenses and Objections Which May Be Raised.* Any defense or objection which is capable of determination without the trial of the general issue may be raised before trial by motion.

(2) *Defenses and Objections Which Must Be Raised.* Defenses and objections based on defects in the institution of the prosecution or in the indictment or information other than that it fails to show jurisdiction in the court or to charge an offense may be raised only by motion before trial. The motion shall include all such defenses and objections then available to the defendant. Failure to present any such defense or objection as herein provided constitutes a waiver thereof, but the court for cause shown may grant relief from the waiver. Lack of jurisdiction or the failure of the indictment or information to charge an offense shall be noticed by the court at any time during the pendency of the proceeding.

(3) *Time of Making Motion.* The motion shall be made before the plea is entered, but the court may permit it to be made within a reasonable time thereafter.

(4) *Hearing on Motion.* A motion before trial raising defenses or objections shall be

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determined before trial unless the court orders that it be deferred for determination at the trial of the general issue. An issue of fact shall be tried by a jury if a jury trial is required under the Constitution or an act of Congress. All other issues of fact shall be determined by the court with or without a jury or on affidavits or in such other manner as the court may direct.

(5) *Effect of Determination.* If a motion is determined adversely to the defendant he shall be permitted to plead if he had not previously pleaded. A plea previously entered shall stand. If the court grants a motion based on a defect in the institution of the prosecution or in the indictment or information, it may also order that the defendant be held in custody or that his bail be continued for a specified time pending the filing of a new indictment or information. Nothing in this rule shall be deemed to affect the provisions of any act of Congress relating to periods of limitations.

Rule 13. Trial Together of Indictments or Informations. The court may order two or more indictments or informations or both to be tried together if the offenses, and the defendants if there is more than one, could have been joined in a single indictment or information. The procedure shall be the same as if the prosecution were under such single indictment or information.

Rule 14. Relief from Prejudicial Joinder. If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.

Rule 15. Depositions.

(a) WHEN TAKEN. If it appears that a prospective witness may be unable to attend or prevented from attending a trial or hearing, that his testimony is material and that it is necessary to take his deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment or information may upon motion of a defendant and notice to the parties order that his testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness.

(b) NOTICE OF TAKING. The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party

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upon whom the notice is served, the court for cause shown may extend or shorten the time.

(c) DEFENDANT'S COUNSEL AND PAYMENT OF EXPENSES. If a defendant is without counsel the court shall advise him of his right and assign counsel to represent him unless the defendant elects to proceed without counsel or is able to obtain counsel. If it appears that a defendant at whose instance a deposition is to be taken cannot bear the expense thereof, the court may direct that the expenses of travel and subsistence of the defendant's attorney for attendance at the examination shall be paid by the government. In that event the marshal shall make payment accordingly.

(d) HOW TAKEN. A deposition shall be taken in the manner provided in civil actions. The court at the request of a defendant may direct that a deposition be taken on written interrogatories in the manner provided in civil actions.

(e) USE. At the trial or upon any hearing, a part or all of a deposition, so far as otherwise admissible under the rules of evidence, may be used if it appears: That the witness is dead; or that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or that the witness is unable to attend or testify because of sickness or infirmity; or that the party offering the deposition has been unable to procure the attendance of the witness by subpoena. Any deposition may also be used by any party for the

purpose of contradicting or impeaching the testimony of the deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse party may require him to offer all of it which is relevant to the part offered and any party may offer other parts.

(f) OBJECTIONS TO ADMISSIBILITY. Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions.

Rule 16. Discovery and Inspection. Upon motion of a defendant at any time after the filing of the indictment or information, the court may order the attorney for the government to permit the defendant to inspect and copy or photograph designated books, papers, documents or tangible objects, obtained from or belonging to the defendant or obtained from others by seizure or by process, upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable. The order shall specify the time, place and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just.

Rule 17. Subpoena.

(a) FOR ATTENDANCE OF WITNESSES; FORM; ISSUANCE. A subpoena shall be issued by the clerk under the seal of the court. It shall state the name of the court and the title, if any, of the proceeding, and shall command each person to whom it is directed to attend and give testimony at the time

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and place specified therein. The clerk shall issue a subpoena, signed and sealed but otherwise in blank to a party requesting it, who shall fill in the blanks before it is served. A subpoena shall be issued by a commissioner in a proceeding before him, but it need not be under the seal of the court.

(b) INDIGENT DEFENDANTS. The court or a judge thereof may order at any time that a subpoena be issued upon motion or request of an indigent defendant. The motion or request shall be supported by affidavit in which the defendant shall state the name and address of each witness and the testimony which he is expected by the defendant to give if subpoenaed, and shall show that the evidence of the witness is material to the defense, that the defendant cannot safely go to trial without the witness and that the defendant does not have sufficient means and is actually unable to pay the fees of the witness. If the court or judge orders the subpoena to be issued the costs incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the government.

(c) FOR PRODUCTION OF DOCUMENTARY EVIDENCE AND OF OBJECTS. A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or

oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

(d) SERVICE. A subpoena may be served by the marshal, by his deputy or by any other person who is not a party and who is not less than 18 years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named and by tendering to him the fee for 1 day's attendance and the mileage allowed by law.

(e) PLACE OF SERVICE.

(1) *In United States.* A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place within the United States.

(2) *Abroad.* A subpoena directed to a witness in a foreign country shall issue under the circumstances and in the manner and be served as provided in the Act of July 3, 1926, c. 762, §§ 2, 3, 4, 44 Stat. 835–836; 28 U. S. C. §§ 712, 713, 714.

(f) FOR TAKING DEPOSITION; PLACE OF EXAMINATION.

(1) *Issuance.* An order to take a deposition authorizes the issuance by the clerk of the court for the district in which the deposi-

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tion is to be taken of subpoenas for the persons named or described therein.

(2) *Place.* A resident of the district in which the deposition is to be taken may be required to attend an examination only in the county wherein he resides or is employed or transacts his business in person. A nonresident of the district may be required to attend only in the county where he is served with a subpoena or within 40 miles from the place of service or at such other place as is fixed by the court.

(g) CONTEMPT. Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued or of the court for the district in which it issued if it was issued by a commissioner.

V. VENUE

Rule 18. District and Division. Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed, but if the district consists of two or more divisions the trial shall be had in a division in which the offense was committed.

Rule 19. Transfer Within the District. In a district consisting of two or more divisions the arraignment may be had, a plea entered, the trial conducted or sentence imposed, if the defendant consents, in any division and at any time.

Rule 20. Transfer from the District for Plea and Sentence. A defendant arrested in a district other than that in which the indictment or information is pending against him may state in writing, after receiving a copy of the indictment or information, that he wishes to plead guilty or *nolo contendere,* to waive trial in the district in which the indictment or information is pending and to consent to disposition of the case in the district in which he was arrested, subject to the approval of the United States attorney for each district. Upon receipt of the defendant's statement and of the written approval of the United States attorneys, the clerk of the court in which the indictment or information is pending shall transmit the papers in the proceed-

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ing or certified copies thereof to the clerk of the court for the district in which the defendant is held and the prosecution shall continue in that district If after the proceeding has been transferred the defendant pleads not guilty, the clerk shall return the papers to the court in which the prosecution was commenced and the proceedings shall be restored to the docket of that court. The defendant's statement shall not be used against him unless he was represented by counsel when it was made.

Rule 21. Transfer From the District or Division for Trial.

(a) FOR PREJUDICE IN THE DISTRICT OR DIVISION. The court upon motion of the defendant shall transfer the proceeding as to him to another district or division if the court is satisfied that there exists in the district or division where the prosecution is pending so great a prejudice against the defendant that he cannot obtain a fair and impartial trial in that district or division.

(b) OFFENSE COMMITTED IN TWO OR MORE DISTRICTS OR DIVISIONS. The court upon motion of the defendant shall transfer the proceeding as to him to another district or division, if it appears from the indictment or information or from a bill of particulars that the offense was committed in more than one district or division and if the court is satisfied that in the interest of justice the proceeding should be transferred to another district or division in which the commission of the offense is charged.

(c) PROCEEDINGS ON TRANSFER. When a transfer is ordered the clerk shall transmit to the clerk of the court to which the proceeding is transferred all papers in the proceeding or duplicates thereof and any bail taken, and the prosecution shall continue in that district or division.

Rule 22. Time of Motion to Transfer. A motion to transfer under these rules may be made at or before arraignment or at such other time as the court or these rules may prescribe.

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VI. TRIAL

Rule 23. Trial by Jury or by the Court.

(a) TRIAL BY JURY. Cases required to be tried by jury shall be so tried unless the defendant waives a jury trial in writing with the approval of the court and the consent of the government.

(b) JURY OF LESS THAN TWELVE. Juries shall be of 12 but at any time before verdict the parties may stipulate in writing with the approval of the court that the jury shall consist of any number less than 12.

(c) TRIAL WITHOUT A JURY. In a case tried without a jury the court shall make a general finding and shall in addition on request find the facts specially.

Rule 24. Trial Jurors.

(a) EXAMINATION. The court may permit the defendant or his attorney and the attorney for the government to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event the court shall permit the defendant or his attorney and the attorney for the government to supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective jurors such additional questions by the parties or their attorneys as it deems proper.

(b) PEREMPTORY CHALLENGES. If the offense charged is punishable by death, each side is entitled to 20 peremptory challenges. If the offense charged is punishable by imprisonment for more than one year, the government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges. If the offense charged is punishable by imprisonment for not more than one year or by fine or both, each side is entitled to 3 peremptory challenges. If there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately or jointly.

(c) ALTERNATE JURORS. The court may direct that not more than 4 jurors in addition to the regular jury be called and impanelled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to 1 peremptory challenge in addition to those otherwise allowed by law if 1 or 2 alternate jurors are to be impanelled, and 2 peremptory challenges if 3 or 4 alternate jurors are to be impanelled. The addi-

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tional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by these rules may not be used against an alternate juror.

Rule 25. Judge; Disability. If by reason of absence from the district, death, sickness or other disability the judge before whom the defendant has been tried is unable to perform the duties to be performed by the court after a verdict or finding of guilt, any other judge regularly sitting in or assigned to the court may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

Rule 26. Evidence. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by an act of Congress or by these rules. The admissibility of evidence and the competency and privileges of witnesses shall be governed, except when an act of Congress or these rules otherwise provide, by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.

Rule 27. Proof of Official Record. An official record or an entry therein or the lack of such a record or entry may be proved in the same manner as in civil actions.

Rule 28. Expert Witnesses. The court may order the defendant or the government or both to

show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The court may appoint any expert witnesses agreed upon by the parties, and may appoint witnesses of its own selection. An expert witness shall not be appointed by the court unless he consents to act. A witness so appointed shall be informed of his duties by the court at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any, and may thereafter be called to testify by the court or by any party. He shall be subject to cross-examination by each party. The court may determine the reasonable compensation of such a witness and direct its payment out of such funds as may be provided by law. The parties also may call expert witnesses of their own selection.

Rule 29. Motion for Acquittal.

(a) MOTION FOR JUDGMENT OF ACQUITTAL. Motions for directed verdict are abolished and motions for judgment of acquittal shall be used in their place. The court on motion of a defendant or of its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment or information after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a defendant's motion for judgment of acquittal at the close of the evidence offered by the government is not granted, the defendant may offer evidence without having reserved the right.

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(b) RESERVATION OF DECISION ON MOTION. If a motion for judgment of acquittal is made at the close of all the evidence, the court may reserve decision on the motion, submit the case to the jury and decide the motion either before the jury returns a verdict or after it returns a verdict of guilty or is discharged without having returned a verdict. If the motion is denied and the case is submitted to the jury, the motion may be renewed within 5 days after the jury is discharged and may include in the alternative a motion for a new trial. If a verdict of guilty is returned the court may on such motion set aside the verdict and order a new trial or enter judgment of acquittal. If no verdict is returned the court may order a new trial or enter judgment of acquittal.

Rule 30. Instructions. At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. At the same time copies of such requests shall be furnished to adverse parties. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. No party may assign as error any portion of the charge or omission therefrom unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds of his objection. Opportunity shall be given to make the objection out of the hearing of the jury.

Rule 31. Verdict.

(a) RETURN. The verdict shall be unanimous. It shall be returned by the jury to the judge in open court.

(b) SEVERAL DEFENDANTS. If there are two or more defendants, the jury at any time during its deliberations may return a verdict or verdicts with respect to a defendant or defendants as to whom it has agreed; if the jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(c) CONVICTION OF LESS OFFENSE. The defendant may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein if the attempt is an offense.

(d) POLL OF JURY. When a verdict is returned and before it is recorded the jury shall be polled at the request of any party or upon the court's own motion. If upon the poll there is not unanimous concurrence, the jury may be directed to retire for further deliberations or may be discharged.

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VII. JUDGMENT

Rule 32. Sentence and Judgment.

(a) SENTENCE. Sentence shall be imposed without unreasonable delay. Pending sentence the court may commit the defendant or continue or alter the bail. Before imposing sentence the court shall afford the defendant an opportunity to make a statement in his own behalf and to present any information in mitigation of punishment.

(b) JUDGMENT. A judgment of conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

(c) PRESENTENCE INVESTIGATION.

(1) *When Made.* The probation service of the court shall make a presentence investigation and report to the court before the imposition of sentence or the granting of probation unless the court otherwise directs. The report shall not be submitted to the court or its contents disclosed to anyone unless the defendant has pleaded guilty or has been found guilty.

(2) *Report.* The report of the presentence investigation shall contain any prior

criminal record of the defendant and such information about his characteristics, his financial condition and the circumstances affecting his behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, and such other information as may be required by the Court.

(d) WITHDRAWAL OF PLEA OF GUILTY. A motion to withdraw a plea of guilty or of *nolo contendere* may be made only before sentence is imposed or imposition of sentence is suspended; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea.

(e) PROBATION. After conviction of an offense not punishable by death or by life imprisonment, the defendant may be placed on probation as provided by law.

Rule 33. New Trial. The court may grant a new trial to a defendant if required in the interest of justice. If trial was by the court without a jury the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment. A motion for a new trial based on the ground of newly discovered evidence may be made only before or within two years after final judgment, but if an appeal is pending the court may grant the motion only on remand of the case. A motion for a new trial based on any other grounds shall be made within 5 days after

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verdict or finding of guilty or within such further time as the court may fix during the 5-day period.

Rule 34. Arrest of Judgment. The court shall arrest judgment if the indictment or information does not charge an offense or if the court was without jurisdiction of the offense charged. The motion in arrest of judgment shall be made within 5 days after determination of guilt or within such further time as the court may fix during the 5-day period.

Rule 35. Correction or Reduction of Sentence. The court may correct an illegal sentence at any time. The court may reduce a sentence within 60 days after the sentence is imposed, or within 60 days after receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within 60 days after receipt of an order of the Supreme Court denying an application for a writ of certiorari.

Rule 36. Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

VIII. APPEAL

Rule 37. Taking Appeal; and Petition for Writ of Certiorari.

(a) TAKING APPEAL.

(1) *Notice of Appeal.* An appeal permitted by law from a district court to the Supreme Court or to a circuit court of appeals is taken by filing with the clerk of the district court a notice of appeal in duplicate. Petitions for allowance of appeal, citations and assignments of error in cases governed by these rules are abolished. The notice of appeal shall set forth the title of the case, the name and address of the appellant and of appellant's attorney, a general statement of the offense, a concise statement of the judgment or order, giving its date and any sentence imposed, the place of confinement if the defendant is in custody and a statement that the appellant appeals from the judgment or order. If the appeal is directly to the Supreme Court, the notice shall be accompanied by a jurisdictional statement as prescribed by the rules of the Supreme Court. The notice of appeal shall be signed by the appellant or appellant's attorney, or by the clerk if the notice is prepared by the clerk as provided in paragraph (2) of this subdivision. The duplicate notice of appeal and a statement of the docket entries shall be forwarded imme-

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diately by the clerk of the district court to the clerk of the appellate court. Notification of the filing of the notice of appeal shall be given by the clerk by mailing copies thereof to adverse parties, but his failure so to do does not affect the validity of the appeal.

(2) *Time for Taking Appeal.* An appeal by a defendant may be taken within 10 days after entry of the judgment or order appealed from, but if a motion for a new trial or in arrest of judgment has been made within the 10-day period an appeal from a judgment of conviction may be taken within 10 days after entry of the order denying the motion. When a court after trial imposes sentence upon a defendant not represented by counsel, the defendant shall be advised of his right to appeal and if he so requests, the clerk shall prepare and file forthwith a notice of appeal on behalf of the defendant. An appeal by the government when authorized by statute may be taken within 30 days after entry of the judgment or order appealed from.

(b) PETITION FOR REVIEW ON WRIT OF CERTIORARI.

(1) *Petition.* Petition to the Supreme Court for writ of certiorari shall be made as prescribed in its rules.

(2) *Time of Making Petition.* Petition for writ of certiorari may be made within 30 days after entry of the judgment or within such further time not exceeding 30 days as the Court

or a justice thereof for cause shown may fix within the 30-day period following judgment. If the judgment was entered in a district court in Alaska, Hawaii, Puerto Rico, Canal Zone or Virgin Islands, the petition shall be deemed in time if mailed under a postmark dated within such 30-day period.

Rule 38. Stay of Execution, and Relief Pending Review.

(a) STAY OF EXECUTION.

(1) *Death.* A sentence of death shall be stayed if an appeal is taken.

(2) *Imprisonment.* A sentence of imprisonment shall be stayed if an appeal is taken and the defendant elects not to commence service of the sentence or is admitted to bail.

(3) *Fine.* A sentence to pay a fine or a fine and costs, if an appeal is taken, may be stayed by the district court or by the circuit court of appeals upon such terms as the court deems proper. The court may require the defendant pending appeal to deposit the whole or any part of the fine and costs in the registry of the district court, or to give bond for the payment thereof, or to submit to an examination of assets, and it may make any appropriate order to restrain the defendant from dissipating his assets.

(4) *Probation.* An order placing the defendant on probation shall be stayed if an appeal is taken.

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(b) BAIL. Admission to bail upon appeal or certiorari shall be as provided in these rules.

(c) APPLICATION FOR RELIEF PENDING REVIEW. If application is made to a circuit court of appeals or to a circuit judge or to a justice of the Supreme Court for bail pending appeal or for an extension of time for docketing the record on appeal or for any other relief which might have been granted by the district court, the application shall be upon notice and shall show that application to the court below or a judge thereof is not practicable of that application has been made and denied, with the reasons given for the denial, or that the action on the application did not afford the relief to which the applicant considers himself to be entitled.

Rule 39. Supervision of Appeal.

(a) SUPERVISION IN APPELLATE COURT. The supervision and control of the proceedings on appeal shall be in the appellate court from the time the notice of appeal is filed with its clerk, except as otherwise provided in these rules. The appellate court may at any time entertain a motion to dismiss the appeal, or for directions to the district court, or to modify or vacate any order made by the district court or by any judge in relation to the prosecution of the appeal, including any order fixing or denying bail.

(b) THE RECORD ON APPEAL.

(1) *Preparation and Form.* The rules and practice governing the preparation and form of the record on appeal in civil actions shall apply to the record on appeal in all criminal proceedings, except as otherwise provided in these rules.

(2) *Use of Typewritten Record.* The circuit court of appeals may dispense with the printing of the record on appeal and review the proceedings on the typewritten record.

(c) DOCKETING OF APPEAL AND RECORD ON APPEAL. The record on appeal shall be filed with the appellate court and the proceeding there docketed within 40 days from the date the notice of appeal is filed in the district court, but if more than one appeal is taken from the same judgment to the same appellate court, the district court may prescribe the time for filing and docketing, which in no event shall be less than 40 days from the date the first notice of appeal is filed. In all cases the district court or the appellate court or, if the appellate court is not in session, any judge thereof may for cause shown extend the time for filing and docketing.

(d) SETTING THE APPEAL FOR ARGUMENT. Unless good cause is shown for an earlier hearing, the appellate court shall set the appeal for argument on a date not less than 30 days after the filing in that court of the record on appeal and as soon after the expiration of that period as the state of the calendar will permit. Preference shall be given to appeals in criminal cases over appeals in civil cases.

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IX. SUPPLEMENTARY AND SPECIAL PROCEEDINGS

Rule 40. Commitment to Another District; Removal.

(a) ARREST IN NEARBY DISTRICT. If a person is arrested on a warrant issued upon a complaint in a district other than the district of the arrest but in the same state, or on a warrant issued upon a complaint in another state but at a place less than 100 miles from the place of arrest, or without a warrant for an offense committed in another district in the same state or in another state but at a place less than 100 miles from the place of the arrest, he shall be taken before the nearest available commissioner or other nearby officer described in Rule 5 (a); preliminary proceedings shall be conducted in accordance with Rule 5 (b) and (c); and if held to answer, he shall be held to answer to the district court for the district in which the prosecution is pending, or if the arrest was without a warrant, for the district in which the offense was committed. If such an arrest is made on a warrant issued on an indictment or information, the person arrested shall be taken before the district court in which the prosecution is pending or, for the purpose of admission to bail, before a commissioner in the district of the arrest in accordance with provisions of Rule 9 (c) (1).

(b) ARREST IN DISTANT DISTRICT.

(1) *Appearance before Commissioner or Judge.* If a person is arrested upon a warrant issued in another state at a place 100 miles or more from the place of arrest, or without a warrant for an offense committed in another state at a place 100 miles or more from the place of arrest, he shall be taken without unnecessary delay before the nearest available commissioner or a nearby judge of the United States in the district in which the arrest was made.

(2) *Statement by Commissioner or Judge.* The commissioner or judge shall inform the defendant of the charge against him, of his right to retain counsel and of his right to have a hearing or to waive a hearing by signing a waiver before the commissioner or judge. The commissioner or judge shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him, shall allow him reasonable opportunity to consult counsel and shall admit him to bail as provided in these rules.

(3) *Hearing; Warrant of Removal or Discharge.* The defendant shall not be called upon to plead. If the defendant waives hearing, the judge shall issue a warrant of removal to the district where the prosecution is pending. If the defendant does not waive hearing, the commissioner or judge shall hear the

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evidence. If the commissioner hears the evidence he shall report his findings and recommendations to the judge. At the hearing the defendant may cross-examine witnesses against him and may introduce evidence in his own behalf. If it appears from the commissioner's report or from the evidence adduced before the judge that sufficient ground has been shown for ordering the removal of the defendant, the judge shall issue a warrant of removal to the district where the prosecution is pending. Otherwise he shall discharge the defendant. If the prosecution is by indictment, a warrant of removal shall issue upon production of a certified copy of the indictment and upon proof that the defendant is the person named in the indictment. If the prosecution is by information or complaint, a warrant of removal shall issue upon the production of a certified copy of the information or complaint and upon proof that there is probable cause to believe that the defendant is guilty of the offense charged. If a warrant of removal is issued, the defendant shall be admitted to bail for appearance in the district in which the prosecution is pending in accordance with Rule 46. After a defendant is held for removal or is discharged, the papers in the proceeding and any bail taken shall be transmitted to the clerk of the district court in which the prosecution is pending.

(4) *Hearing and Removal on Arrest without a Warrant.* If a person is arrested without a warrant, the hearing may be continued for a reasonable time, upon a showing of probable cause to believe that he is guilty of the offense charged; but he may not be removed as herein provided unless a warrant issued in the district in which the offense was committed is presented.

Rule 41. Search and Seizure.

(a) AUTHORITY TO ISSUE WARRANT. A search warrant authorized by this rule may be issued by a judge of the United States or of a state or territorial court of record or by a United States commissioner within the district wherein the property sought is located.

(b) GROUNDS FOR ISSUANCE. A warrant may be issued under this rule to search for and seize any property

(1) Stolen or embezzled in violation of the laws of the United States; or

(2) Designed or intended for use or which is or has been used as the means of committing a criminal offense; or

(3) Possessed, controlled, or designed or intended for use or which is or has been used in violation of the Act of June 15, 1917, c. 30, title VIII, § 4, 40 Stat. 226, and title XI, § 22, 40 Stat. 230, as amended by the Act of March 28, 1940, c. 72, § 8, 54 Stat. 80; 18 U. S. C. § 98.

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(c) ISSUANCE AND CONTENTS. A warrant shall issue only on affidavit sworn to before the judge or commissioner and establishing the grounds for issuing the warrant. If the judge or commissioner is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the property and naming or describing the person or place to be searched. The warrant shall be directed to a civil officer of the United States authorized to enforce or assist in enforcing any law thereof or to a person so authorized by the President of the United States. It shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. It shall command the officer to search forthwith the person or place named for the property specified. The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time. It shall designate the district judge or the commissioner to whom it shall be returned.

(d) EXECUTION AND RETURN WITH INVENTORY. The warrant may be executed and returned only within 10 days after its date. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return shall be made

promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The judge or commissioner shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(e) MOTION FOR RETURN OF PROPERTY AND TO SUPPRESS EVIDENCE. A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized for the return of the property and to suppress for use as evidence anything so obtained on the ground that (1) the property was illegally seized without warrant, or (2) the warrant is insufficient on its face, or (3) the property seized is not that described in the warrant, or (4) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (5) the warrant was illegally executed. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may

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also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

(f) RETURN OF PAPERS TO CLERK. The judge or commissioner who has issued a search warrant shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with the clerk of the district court for the district in which the property was seized.

(g) SCOPE AND DEFINITION. This rule supersedes the Act of June 15, 1917, c. 30, title XI, §§ 1–6, 10, 11, 12–16, 40 Stat. 228, 229, 18 U. S. C. §§ 611–616, 620, 621, 623–626, and any other provision of chapter 30 of that Act inconsistent with this rule. It does not modify any other act, inconsistent with this rule, regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made. The term "property" is used in this rule to include documents, books, papers and any other tangible objects.

Rule 42. Criminal Contempt.

(a) SUMMARY DISPOSITION. A criminal contempt may be punished summarily if the judge certifies that he saw or heard the conduct constituting the contempt and that it was committed in the actual presence of the court. The order of

contempt shall recite the facts and shall be signed by the judge and entered of record.

(b) DISPOSITION UPON NOTICE AND HEARING. A criminal contempt except as provided in subdivision (a) of this rule shall be prosecuted on notice. The notice shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. The notice shall be given orally by the judge in open court in the presence of the defendant or, on application of the United States attorney or of an attorney appointed by the court for that purpose, by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides. He is entitled to admission to bail as provided in these rules. If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a verdict or finding of guilt the court shall enter an order fixing the punishment.

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X. GENERAL PROVISIONS

Rule 43. Presence of the Defendant. The defendant shall be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by these rules. In prosecutions for offenses not punishable by death, the defendant's voluntary absence after the trial has been commenced in his presence shall not prevent continuing the trial to and including the return of the verdict. A corporation may appear by counsel for all purposes. In prosecutions for offenses punishable by fine or by imprisonment for not more than one year or both, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence. The defendant's presence is not required at a reduction of sentence under Rule 35.

Rule 44. Assignment of Counsel. If the defendant appears in court without counsel, the court shall advise him of his right to counsel and assign counsel to represent him at every stage of the proceeding unless he elects to proceed without counsel or is able to obtain counsel.

Rule 45. Time.

(a) COMPUTATION. In computing any period of time the day of the act or event after which

the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When a period of time prescribed or allowed is less than 7 days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) ENLARGEMENT. When an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice, order the period enlarged if application therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion permit the act to be done after the expiration of the specified period if the failure to act was the result of excusable neglect; but the court may not enlarge the period for taking any action under Rules 33, 34 and 35, except as otherwise provided in those rules, or the period for taking an appeal.

(c) UNAFFECTED BY EXPIRATION OF TERM. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the expiration of a term of court. The expiration of a term of court in no way affects the power of a court to do any act in a criminal proceeding.

(d) FOR MOTIONS; AFFIDAVITS. A written motion, other than one which may be heard *ex parte*,

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Petitioners,

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The State of Florida.

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American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing unless a different period is fixed by rule or order of the court. For cause shown such an order may be made on *ex parte* application. When a motion is supported by affidavit, the affidavit shall be served with the motion; and opposing affidavits may be served not less than 1 day before the hearing unless the court permits them to be served at a later time.

(e) ADDITIONAL TIME AFTER SERVICE BY MAIL. Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper upon him and the notice or other paper is served upon him by mail, 3 days shall be added to the prescribed period.

Rule 46. Bail.

(a) RIGHT TO BAIL.

(1) *Before Conviction.* A person arrested for an offense not punishable by death shall be admitted to bail. A person arrested for an offense punishable by death may be admitted to bail by any court or judge authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

(2) *Upon Review.* Bail may be allowed pending appeal or certiorari only if it appears that the case involves a substantial question which should be determined by the appellate court. Bail may be allowed by the trial judge

or by the appellate court or by any judge thereof or by the circuit justice. The court or the judge or justice allowing bail may at any time revoke the order admitting the defendant to bail.

(b) BAIL FOR WITNESS. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure his presence by subpoena, the court or commissioner may require him to give bail for his appearance as a witness, in an amount fixed by the court or commissioner. If the person fails to give bail the court or commissioner may commit him to the custody of the marshal pending final disposition of the proceeding in which the testimony is needed, may order his release if he has been detained for an unreasonable length of time and may modify at any time the requirement as to bail.

(c) AMOUNT. If the defendant is admitted to bail, the amount thereof shall be such as in the judgment of the commissioner or court or judge or justice will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail and the character of the defendant.

(d) FORM, AND PLACE OF DEPOSIT. A person required or permitted to give bail shall execute a bond for his appearance. One or more sureties may be required, cash or bonds or notes of the United States may be accepted and in proper cases no-

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security need be required. Bail given originally on appeal shall be deposited in the registry of the district court from which the appeal is taken.

(e) JUSTIFICATION OF SURETIES. Every surety, except a corporate surety which is approved as provided by law, shall justify by affidavit and may be required to describe in the affidavit the property by which he proposes to justify and the encumbrances thereon, the number and amount of other bonds and undertakings for bail entered into by him and remaining undischarged and all his other liabilities. No bond shall be approved unless the surety thereon appears to be qualified.

(f) FORFEITURE.

(1) *Declaration.* If there is a breach of condition of a bond, the district court shall declare a forfeiture of the bail.

(2) *Setting Aside.* The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture.

(3) *Enforcement.* When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon. By entering into a bond the obligors submit to the jurisdiction of the district court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.

(4) *Remission.* After entry of such judgment, the court may remit it in whole or in part under the conditions applying to the setting aside of forfeiture in paragraph (2) of this subdivision.

(g) EXONERATION. When the condition of the bond has been satisfied or the forfeiture thereof has been set aside or remitted, the court shall exonerate the obligors and release any bail. A surety may be exonerated by a deposit of cash in the amount of the bond or by a timely surrender of the defendant into custody.

Rule 47. Motions. An application to the court for an order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the court permits it to be made orally. It shall state the grounds upon which it is made and shall set forth the relief or order sought. It may be supported by affidavit.

Rule 48. Dismissal.

(a) BY ATTORNEY FOR GOVERNMENT. The Attorney General or the United States attorney may by leave of court file a dismissal of an indictment, information or complaint and the prosecution shall thereupon terminate. Such a dismissal may not

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be filed during the trial without the consent of the defendant.

(b) By Court. If there is unnecessary delay in presenting the charge to a grand jury or in filing an information against a defendant who has been held to answer to the district court, or if there is unnecessary delay in bringing a defendant to trial, the court may dismiss the indictment, information or complaint.

Rule 49. Service and Filing of Papers.

(a) Service: When Required. Written motions other than those which are heard *ex parte*, written notices, designations of record on appeal and similar papers shall be served upon the adverse parties.

(b) Service: How Made. Whenever under these rules or by an order of the court service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made in the manner provided in civil actions.

(c) Notice of Orders. Immediately upon the entry of an order made on a written motion subsequent to arraignment the clerk shall mail to each party affected thereby a notice thereof and shall make a note in the docket of the mailing.

(d) Filing. Papers required to be served shall be filed with the court. Papers shall be filed in the manner provided in civil actions.

Rule 50. Calendars. The district courts may provide for placing criminal proceedings upon appropriate calendars. Preference shall be given to criminal proceedings as far as practicable.

Rule 51. Exceptions Unnecessary. Exceptions to rulings or orders of the court are unnecessary and for all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which he desires the court to take or his objection to the action of the court and the grounds therefor; but if a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice him.

Rule 52. Harmless Error and Plain Error.

(a) Harmless Error. Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.

(b) Plain Error. Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.

Rule 53. Regulation of Conduct in the Court Room. The taking of photographs in the court room during the progress of judicial proceedings or radio broadcasting of judicial proceedings from the court room shall not be permitted by the court.

Rule 54. Application and Exception.

(a) Courts and Commissioners.

(1) *Courts.* These rules apply to all criminal proceedings in the district courts of the

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United States, which include the District Court of the United States for the District of Columbia, the District Court for the Territory of Alaska, the United States District Court for the Territory of Hawaii, the District Court of the United States for Puerto Rico and the District Court of the Virgin Islands; in the United States circuit courts of appeals, which include the United States Court of Appeals for the District of Columbia; and in the Supreme Court of the United States. The rules governing proceedings after verdict or finding of guilt or plea of guilty apply in the United States District Court for the District of the Canal Zone.

(2) *Commissioners.* The rules applicable to criminal proceedings before commissioners apply to similar proceedings before judges of the United States or of the District of Columbia. They do not apply to criminal proceedings before other officers empowered to commit persons charged with offenses against the United States.

(b) PROCEEDINGS.

(1) *Removed Proceedings.* These rules apply to criminal prosecutions removed to the district courts of the United States from state courts and govern all procedure after removal, except that dismissal by the attorney for the prosecution shall be governed by state law.

(2) *Offenses Outside a District or State.* These rules apply to proceedings for offenses committed upon the high seas or elsewhere out of the jurisdiction of any particular state or district, except that such proceedings may be had in any district authorized by the Act of March 3, 1911, c. 231, § 41, 36 Stat. 1100, Judicial Code § 41, 28 U. S. C. § 102.

(3) *Peace Bonds.* These rules do not alter the power of judges of the United States or of United States commissioners to hold to security of the peace and for good behavior under the Act of March 3, 1911, c. 231, § 270, 36 Stat. 1163, Judicial Code § 270, 28 U. S. C. § 392, and under Revised Statutes § 4069, 50 U. S. C. § 23, but in such cases the procedure shall conform to these rules so far as they are applicable.

(4) *Trials before Commissioners.* These rules do not apply to proceedings before United States commissioners and in the district courts under the Act of October 9, 1940, c. 785, 54 Stat. 1058–1059, 18 U. S. C. §§ 576–576d, relating to petty offenses on federal reservations.

(5) *Other Proceedings.* These rules are not applicable to extradition and rendition of fugitives; forfeiture of property for violation of a statute of the United States; or the collection of fines and penalties. They do not apply to proceedings under the Federal Juvenile Delinquency Act so far as they are in-

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consistent with that Act. They do not apply to summary trials for offenses against the navigation laws under Revised Statutes §§ 4300–4305, 33 U. S. C. §§ 391–396, or to proceedings involving disputes between seamen under Revised Statutes §§ 4079–4081, as amended, 22 U. S. C. §§ 256–258, or to proceedings for fishery offenses under the Act of June 28, 1937, c. 392, 50 Stat. 325–327, 16 U. S. C. §§ 772–772i, or to proceedings against a witness in a foreign country under the Act of July 3, 1926, c. 762, 44 Stat. 835, 26 U. S. C. §§ 711–718.

(c) APPLICATION OF TERMS. As used in these rules the term "State" includes District of Columbia, territory and insular possession. "Law" includes statutes and judicial decisions. "Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in a territory or in an insular possession. "District court" includes all district courts named in subdivision (a), paragraph (1) of this rule. "Civil action" refers to a civil action in a district court. "Oath" includes affirmations. "District judge" includes a justice of the District Court of the United States for the District of Columbia. "Judge of a circuit court of appeals" includes a justice of the United States Court of Appeals for the District of Columbia. "Senior circuit judge" includes the chief justice of the United States Court of Appeals for the District of Columbia. "Attorney for the government"

means the attorney general, an authorized assistant of the attorney general, a United States attorney and an authorized assistant of a United States attorney. The words "demurrer," "motion to quash," "plea in abatement," "plea in bar" and "special plea in bar," or words to the same effect, in any act of Congress shall be construed to mean the motion raising a defense or objection provided in Rule 12.

Rule 55. Records. The clerk of the district court and each United States commissioner shall keep such records in criminal proceedings as the Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of Senior Circuit Judges, may prescribe.

Rule 56. Courts and Clerks. The circuit court of appeals and the district court shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Sundays and legal holidays.

Rule 57. Rules of Court.

(a) RULES BY DISTRICT COURTS AND CIRCUIT COURTS OF APPEALS. Rules made by district courts and circuit courts of appeals for the conduct of criminal proceedings shall not be inconsistent with these rules. Copies of all rules made by a district court or by a circuit court of appeals

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shall upon their promulgation be furnished to the Administrative Office of the United States Courts. The clerk of each court shall make appropriate arrangements, subject to the approval of the Director of the Administrative Office of the United States Courts, to the end that all rules made as provided herein be published promptly and that copies of them be available to the public.

(b) PROCEDURE NOT OTHERWISE SPECIFIED. If no procedure is specifically prescribed by rule, the court may proceed in any lawful manner not inconsistent with these rules or with any applicable statute.

Rule 58. Forms. The forms contained in the Appendix of Forms are illustrative and not mandatory.

Rule 59. Effective Date. These rules take effect on the day which is 2 months subsequent to the adjournment of the first regular session of the 79th Congress, but if that day is prior to September 1, 1945, then they take effect on September 1, 1945. They govern all criminal proceedings thereafter commenced and so far as just and practicable all proceedings then pending.

Rule 60. Title. These rules may be known and cited as the Federal Rules of Criminal Procedure.

APPENDIX OF FORMS

TABLE OF FORMS

Form.
1. Indictment for Murder in the First Degree of Federal Officer.
2. Indictment for Murder in the First Degree on Federal Reservation.
3. Indictment for Mail Fraud.
4. Indictment for Sabotage.
5. Indictment for Internal Revenue Violation.
6. Indictment for Interstate Transportation of Stolen Motor Vehicle.
7. Indictment for Receiving Stolen Motor Vehicle.
8. Indictment for Impersonation of Federal Officer.
9. Indictment for Obtaining Money by Impersonation of Federal Officer.
10. Indictment for Presenting Fraudulent Claim Against the United States.
11. Information for Food and Drug Violation.
12. Warrant for Arrest of Defendant.
13. Summons.
14. Warrant of Removal.
15. Search Warrant.
16. Motion for the Return of Seized Property and the Suppression of Evidence.
17. Appearance Bond.
18. Waiver of Indictment.
19. Motion by Defendant to Dismiss the Indictment.
20. Subpoena to Testify.
21. Subpoena to Produce Document or Object.
22. Warrant for Arrest of Witness.
23. Motion for New Trial.
24. Motion in Arrest of Judgment.
25. Judgment and Commitment.
26. Notice of Appeal.
27. Statement of Docket Entries.

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Form 1. Indictment for Murder in the First Degree of Federal Officer

In the District Court of the United States
for the ---------- District of ----------,
---------- Division

United States of America v. John Doe	No. ---------- (18 U. S. C. §§ 452, 253)

The grand jury charges:
On or about the ------ day of ----------, 19--, in the ---------- District of ----------, John Doe with premeditation and by means of shooting murdered John Roe who was then an officer of the Federal Bureau of Investigation of the Department of Justice engaged in the performance of his official duties.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

Form 2. Indictment for Murder in the First Degree on Federal Reservation

In the District Court of the United States for the ----------
District of ----------, ---------- Division

United States of America v. John Doe	No. ---------- (18 U. S. C. §§ 451, 452)

The grand jury charges:
On or about the ------ day of ----------, 19--, in the ---------- District of ----------, and on lands acquired for the use of the United States and under the (exclusive) (concurrent) jurisdiction of the United States, John Doe with premeditation shot and murdered John Roe.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

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Form 3. Indictment for Mail Fraud

In the District Court of the United States for the ---------- District of ----------, ---------- Division

United States of America v. John Doe et al.	No. ---------- (Criminal Code § 215, 18 U. S. C. § 338)

The grand jury charges:

1. Prior to the------day of----------, 19----, and continuing to the ------ day of ----------, 19----[1], the defendants John Doe, Richard Roe, John Stiles and Richard Miles devised and intended to devise a scheme and artifice to defraud purchasers of stock of XY Company, a California corporation, and to obtain money and property by means of the following false and fraudulent pretenses, representations and promises, well knowing at the time that the pretenses, representations and promises would be false when made: That the XY Company owned a mine at or near San Bernardino, California; that the mine was in actual operation; that gold ore was being obtained at the mine and sold at a profit; that the current earnings of the company would be sufficient to pay dividends on its stock at the rate of six per cent per annum.

2. On the ------ day of ----------, 19----, in the ---------- District of ----------, the defendants for the purpose of executing the aforesaid scheme and artifice and attempting to do so, caused to be placed in an authorized depository for mail matter a letter addressed to Mrs. Mary Brown, 110 Main Street, Stockton, California, to be sent or delivered by the Post Office Establishment of the United States.

Second Count

1. The Grand Jury realleges all of the allegations of the first count of this indictment, except those contained in the last paragraph thereof.

[1] Insert last mailing date alleged.

2. On the -------- day of ----------, 19----, in the ---------- District of ----------, the defendants, for the purpose of executing the aforesaid scheme and artifice and attempting to do so, caused to be placed in an authorized depository for mail matter a letter addressed to Mr. John J. Jones, 220 First Street, Batavia, New York, to be sent or delivered by the Post Office Establishment of the United States.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

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Form 4. INDICTMENT FOR SABOTAGE

In the District Court of the United States
for the _____ District of _____,
_____ Division

UNITED STATES OF AMERICA v. JOHN DOE	No. _____ (50 U. S. C. § 103)

The grand jury charges:
On or about the _____ day of _____, 19__, within the _____ District of _____, while the United States was at war, John Doe, with reason to believe that his act might injure, interfere with or obstruct the United States in preparing for or carrying on the war, wilfully made and caused to be made in a defective manner certain war material consisting of shells, in that he placed and caused to be placed certain material in a cavity of the shells so as to make them appear to be solid metal, whereas in fact the shells were hollow.

A True Bill.

_____,
Foreman.

_____,
United States Attorney.

Form 5. INDICTMENT FOR INTERNAL REVENUE VIOLATION

In the District Court of the United States for the _____
District of _____, _____ Division

UNITED STATES OF AMERICA v. JOHN DOE	No. _____ (26 U. S. C. § 2803)

The grand jury charges:
On or about the _____ day of _____, 19____, in the _____ District of _____, John Doe carried on the business of a distiller without having given bond as required by law.

A True Bill.

_____,
Foreman.

_____,
United States Attorney.

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Form 6. Indictment for Interstate Transportation of Stolen Motor Vehicle

In the District Court of the United States for the ----------
District of ----------, ---------- Division

United States of America v. John Doe	No. ---------- (18 U. S. C. § 408)

The grand jury charges:
On or about the ------- day of ----------, 19--, John Doe transported a stolen motor vehicle from ----------, State of ----------, to ----------, State of ----------, in ---------- District of ----------, and he then knew the motor vehicle to have been stolen.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

Form 7. Indictment for Receiving Stolen Motor Vehicle

the District Court of the United States for the ----------
District of ----------, ---------- Division.

nited States of America v. John Doe	No. ---------- (18 U. S. C. § 408)

The grand jury charges:
On or about the ------ day of ----------, 19---, in the ---------- District of ----------, John Doe ceived and concealed a stolen motor vehicle, which was moving interstate commerce, and he then knew the motor vehicle to have en stolen.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

John D. Pennekamp and the Miami Herald Publishing Company,

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448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

FORM 8. INDICTMENT FOR IMPERSONATION OF FEDERAL OFFICER

In the District Court of the United States for the ----------
District of ----------, ---------- Division

UNITED STATES OF AMERICA v. JOHN DOE	No. ---------- (18 U. S. C. § 76)

The grand jury charges:

On or about the -------- day of ----------, 19----, in the ---------- District of ----------, John Doe with intent to defraud the United States and Mary Major falsely pretended to be an officer and employee acting under the authority of the United States, namely, an agent of the Federal Bureau of Investigation, and falsely took upon himself to act as such, in that he falsely stated that he was a special agent of the Federal Bureau of Investigation engaged in pursuit of a person charged with an offense against the United States.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

FORM 9. INDICTMENT FOR OBTAINING MONEY BY IMPERSONATION OF FEDERAL OFFICER

In the District Court of the United States for the ----------
District of ----------, ---------- Division

UNITED STATES OF AMERICA v. JOHN DOE	No. ---------- (18 U. S. C. § 76)

The grand jury charges:

On or about the -------- day of ----------, 19----, in the ---------- District of ----------, John Doe with intent to defraud the United States and Mary Major, falsely pretended to be an officer and employee acting under the authority of the United States, namely, an agent of the Alcohol Tax Unit of the Department of the Treasury, and in such pretended character demanded and obtained from Mary Major the sum of $100.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 10. Indictment for Presenting Fraudulent Claim Against the United States

In the District Court of the United States for the ---------- District of ----------, ---------- Division

United States of America v. John Doe	No. ---------- (18 U. S. C. § 80)

The grand jury charges:

On or about the ---- day of ----------, 19---, in the ---------- District of ----------, John Do presented to the War Department of the United States for pay ment a claim against the Government of the United States for hav ing delivered to the Government 100,000 lineal feet of No. 1 whit pine lumber, and he then knew the claim to be fraudulent in tha he had not delivered the lumber to the Government.

A True Bill.

----------,
Foreman.

----------,
United States Attorney.

Form 11. Information for Food and Drug Violation

In the District Court of the United States for the ---------- District of ----------, ---------- Division

United States of America v. John Doe	No. ---------- (21 U. S. C. §§ 331, 333, 342)

The United States Attorney charges:

On or about the ---- day of ----------, 19---, in the ---------- District of ----------, John Doe unlawfully caused to be introduced into interstate commerce by delivery for shipment from the city [1] of ----------, ---------- (State), to the city [1] of ----------, ---------- (State), a consignment of cans containing articles of food which were adulterated in that they consisted in whole or in part of decomposed vegetable substance.

----------,
United States Attorney.

[1] Name of city is stated only to preclude a motion for a bill of particulars and not because such a statement is an essential fact to be alleged.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 12. WARRANT FOR ARREST OF DEFENDANT

In the District Court of the United States for the ----------
District of ----------, ---------- Division

UNITED STATES OF AMERICA v. JOHN DOE	No. ----------

To ----------:[1]

You are hereby commanded to arrest John Doe and bring him forthwith before the District Court for the -------- District of ---------- in the city of ---------- to answer the an indictment charging him with robbery of property of the First National Bank of ----------, in violation of 12 U. S. C. § 588b.

----------,
Clerk.

By ----------,
Deputy Clerk.

[1] Insert designation of officer to whom warrant is issued, e. g., "any United States Marshal or any other authorized officer"; or "United States Marshal for ---------- District of ----------"; or "any United States Marshal"; or "any Special Agent of the Federal Bureau of Investigation"; or "any United States Marshal or any Special Agent of the Federal Bureau of Investigation"; or "any agent of the Alcohol Tax Unit."

Form 13. SUMMONS

the District Court of the United States for the ----------
District of ----------, ---------- Division

ITED STATES OF AMERICA v. JOHN DOE	No. ----------

JOHN DOE:

You are hereby summoned to appear before the District Court the District of ---------- at the Post Office Building the city of ---------- on the ------ day of ----------, --- at 10 o'clock A. M. to answer to an information charging with unlawful transportation of intoxicating liquor on which internal revenue tax had not been paid.

----------,
Clerk.

By ----------,
Deputy Clerk.

This summons was received by me at ---------- on ----------

----------,
Defendant.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lowndes for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 14. Warrant of Removal

In the District Court of the United States for the _____
District of _____, _____ Division

To _____:

The grand jury of the United States for the _____ District of _____ having indicted John Doe on a charge of murder in the first degree, and John Doe having been arrested in this District and, after (waiving) hearing, having been committed by a United States Commissioner to your custody pending his removal to that district,

You are hereby commanded to remove John Doe forthwith to the _____ District of _____ and there deliver him to the United States Marshal for that District or to some other officer authorized to receive him.

_____,
United States District Judge.

Dated at _____ this _____ day of _____ 19____.

Form 15. Search Warrant (Under 18 U. S. C. § 287)

_____:

Affidavit having been made before me by John Doe that he has reason to believe that on the premises known as _____ street, in the city of _____, in the District of _____, there is now being concealed certain property, namely, certain dies, hubs, molds and plates, fitted and intended to be used for the manufacture of counterfeit coins of the United States, and as I am satisfied that there is probable cause to believe that the property so fitted and intended to be used is being concealed on the premises above described,

You are hereby commanded to search the place named for the property specified, serving this warrant and making the search in the daytime, and if the property be found there to seize it, prepare a written inventory of the property seized and bring the property before me.

Dated this _____ day of _____.

_____,
U. S. Commissioner for the
District of _____

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 16. Motion for the Return of Seized Property and the Suppression of Evidence

In the District Court of the United States for the ----------
District of ----------; ---------- Division

No. ----------

John Doe hereby moves this Court to direct that certain prop
erty of which he is the owner, a schedule of which is annexe
hereto, and which on the night of ----------, 19---
at the premises known as ---------- Street, in the cit
of ----------, in the District of ----------, was un
lawfully seized and taken from him by two deputies of the Unite
States Marshal for this District, whose true names are unknow
to the petitioner, be returned to him and that it be suppressed a
evidence against him in any criminal proceeding.

The petitioner further states that the property was seize
against his will and without a search warrant.

----------,
Attorney for Petitioner.

Form 17. Appearance Bond

the District Court of the United States for the ----------
District of ----------; ---------- Division

We, the undersigned, jointly and severally acknowledge that
and our personal representatives are bound to pay to the
ited States of America the sum of ---------- Dollars
------).

The condition of this bond is that the defendant ----------
--------- is to appear in the District Court of the United
tes[1] for the ---------- District of ----------
----------[2] in accordance with all orders and directions
the Court[3] relating to the appearance of the defendant before
Court[3] in the case of *United States* v. ----------,
number --------; and if the defendant appears as ordered,
n this bond is to be void, but if the defendant fails to perform
s condition payment of the amount of the bond shall be due
thwith. If the bond is forfeited and if the forfeiture is not
aside or remitted, judgment may be entered upon motion in
District Court of the United States for the ----------
trict of ---------- against each debtor jointly and
erally for the amount above stated together with interest and
ts, and execution may be issued or payment secured as pro-
ed by the Federal Rules of Criminal Procedure and by other
s of the United States.

---

[1] If appearance is to be before a commissioner, change the words following "appear" before ----------, United States Commissioner."

[2] Insert place.

[3] Change "Court" to "Commissioner" if necessary. See Note 1.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 19. Motion by Defendant to Dismiss the Indictment

In the District Court of the United States for the ----------
District of ----------, ---------- Division

United States of America *v.* John Doe	No. ----------

The defendant moves that the indictment be dismissed on th
following grounds:

1. The court is without jurisdiction because the offense if ar
is cognizable only in the ---------- Division of th
---------- District of ----------.

2. The indictment does not state facts sufficient to constitute a
offense against the United States.

3. The defendant has been acquitted (convicted, in jeopardy o
conviction) of the offense charged therein in the case of *Unite*
States v. ---------- in the District Court for th
---------- District of ----------, Case No. ----------
terminated on ----------.

4. The offense charged is the same offense for which the defend
ant was pardoned by the President of the United States on ----
day of ----------, 19----.

5. The indictment was not found within three years next afte
the alleged offense was committed.

Signed: ----------,
----------,
Address

Form 20. Subpoena to Testify

the District Court of the United States for the ----------
District of ----------, ---------- Division

o ----------:

You are hereby commanded to appear in the District Court of the
nited States for the ---------- District of ----------
the Courthouse, in the city of ----------, on the ------
y of ----------, 19---- at 10 o'clock A. M. to testify in the
se of *United States* v. *John Doe*.

This subpoena is issued on application of the (United States)
efendant).

----------,
Clerk.

By ----------,
Deputy Clerk.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 21. SUBPOENA TO PRODUCE DOCUMENT OR OBJECT

In the District Court of the United States for the _____ District of _____, _____ Division

To _____:

You are hereby commanded to appear in the District Court of the United States for the _____ District of _____ at the Courthouse, in the city of _____, on the _____ day of _____, 19____ at 10 o'clock A. M. to testify in the case of *United States* v. *John Doe* and bring with you _____

_____

_____

_____

This subpoena is issued upon application of the (United States) (defendant).

_____,
Clerk.

By _____,
Deputy Clerk.

Form 22. WARRANT FOR ARREST OF WITNESS

In the District Court of the United States for the _____ District of _____, _____ Division

_____ v. _____ | No. _____

To _____:

You are hereby commanded to arrest John Doe and bring him forthwith before the District Court for the _____ District of _____ in the city of _____, for the reason that he wilfully failed to appear after having been served with subpoena to appear at the trial of the case of *United States* v. *Roe* on the _____ day of _____, 19__.

You are further commanded to detain him in your custody until he is discharged by the Court.

Upon order of Honorable _____, United States District Judge at _____ this _____ day of _____, 19__.

_____,
Clerk.

By _____,
Deputy Clerk.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Alisha Benson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11,

FORM 23. MOTION FOR NEW TRIAL

In the District Court of the United States for the ----------
District of ----------, ---------- Division

UNITED STATES OF AMERICA v. JOHN DOE	No. ----------

The defendant moves the court to grant him a new trial for the following reasons:

1. The court erred in denying defendant's motion for acquittal made at the conclusion of the evidence.
2. The verdict is contrary to the weight of the evidence.
3. The verdict is not supported by substantial evidence.
4. The court erred in sustaining objections to questions addressed to the witness Richard Roe.
5. The court erred in admitting testimony of the witness Richard Roe to which objections were made.
6. The court erred in charging the jury and in refusing to charge the jury as requested.
7. The defendant was substantially prejudiced and deprived of a fair trial by reason of the following circumstances: the attorney for the government stated in his argument that the defendant had not taken the witness stand and that the defendant had been convicted of crime.
8. The court erred in denying the defendant's motion for a mistrial.

----------,
Attorney for Defendant.

FORM 24. MOTION IN ARREST OF JUDGMENT

the District Court of the United States for the ----------
District of ----------, ---------- Division

TED STATES OF AMERICA v. JOHN DOE	No. ----------

he defendant moves the court to arrest the judgment for the owing reasons:

The indictment does not state facts sufficient to constitute offense against the United States.

This court is without jurisdiction of the offense, in that the se if any was not committed in this district.

----------,
Attorney for Defendant.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert R. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Lettner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 25. Judgment and Commitment

In the District Court of the United States
for the ---------- District of ----------,
---------- Division

United States of America *v.*	No. ----------

JUDGMENT AND COMMITMENT

On this ------ day of ----------, 19--, came the attorney for the government and the defendant appeared in person and ----------

It is Adjudged that the defendant has been convicted upon h plea of [2] ---------- of the offense of ---------- as charged [3] ----------; and the court having aske the defendant whether he has anything to say why judgmen should not be pronounced, and no sufficient cause to the contrar being shown or appearing to the Court,

It is Adjudged that the defendant is guilty as charged an convicted.

It is Adjudged that the defendant is hereby committed to th custody of the Attorney General or his authorized representati for imprisonment for a period of [4] ----------

---

[2] Insert "by counsel" or "without counsel; the court advised the defendant of h right to counsel and asked him whether he desired to have counsel appointed by t court, and the defendant thereupon stated that he waived the right to the assistan of counsel."

[3] Insert (1) "guilty," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and finding of guilty," or (4) "nolo contendere," as the case may be.

[4] Insert "in count(s) number ----------" if required.

[4] Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences to run concurrently or consecutively and, if consecutively, when each term is to be with reference to termination of preceding term or to any other outstanding or unexe sentence; (3) whether defendant is to be further imprisoned until payment of fine fine and costs, or until he is otherwise discharged as provided by law.

It is Adjudged that [5] ----------

It is Ordered that the Clerk deliver a certified copy of this dgment and commitment to the United States Marshall or other alified officer and that the copy serve as the commitment of the fendant.

----------,
United States District Judge.

The Court recommends commitment to: [6] ----------

----------,
Clerk.

[Endorsement]

RETURN

I have executed the within Judgment and Commitment as llows:

Defendant delivered on ---------- to ----------
Defendant noted appeal on ----------
Defendant released on ----------
Defendant elected, on ----------, not to commence rvice of the sentence.
Defendant's appeal determined on ----------
Defendant delivered on ---------- to ----------
----------, the institution designated by the Attorney neral, with a certified copy of the within Judgment and mmitment.

----------,
United States Marshal.

---

[5] Enter any order with respect to suspension and probation.
[6] For use of Court wishing to recommend a particular institution.

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11, next, at 12 o'clock.

Form 26. Notice of Appeal

In the District Court of the United States
for the ---------- District of ----------
---------- Division

United States of America v. John Doe	No. ----------

Name and address of appellant----------
Name and address of appellant's attorney----------

Offense ----------
Concise statement of judgment or order, giving date, and any sentence ----------
Name of institution where now confined, if not on bail----------
----

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the ---------- Circuit from the above-stated judgment.

Dated ----------

----------,
Appellant.[1]

[1] Or "Appellant's Attorney" or "Clerk" as the case may be.

Note.—Compare *Form of Notice of Appeal under Rule 3, Form No. 1,* annexed to *Rules of Criminal Procedure after Plea of Guilty, Verdict or Finding of Guilt,* following 18 U. S. C. § 688. See Rule 39 (a) (1) (Taking Appeal: and Petition for Writ of Certiorari—Taking Appeal: Notice of Appeal) *Federal Rules of Criminal Procedure*

Form 27. Statement of Docket Entries

[illegible]he District Court of the United States for the ----------
District of ----------, ---------- Division

[illegible]ted States of America
v. No. ----------
John Doe

Indictment or information for ----------
---------- Filed ----------, 19----
Arraignment ----------, 19----
Plea to indictment or information ----------
----------, 19----
Motion to withdraw plea of guilty denied----------
----------, 19----
Trial by jury, or by court if jury waived ----------
----------, 19----
Verdict or finding of guilt----------
----------, 19----
Judgment—(with terms of sentence) or order ----------
---------- Entered ----------, 19----
Notice of appeal filed ----------, 19----
[illegible]d ----------

Attest ----------
Clerk.

[illegible]—Compare *Form of Clerk's Statement of Docket Entries to be Forwarded Rule 4,* Form No. 2 (to accompany duplicate notice of appeal to the United Circuit Court of Appeals), annexed to *Rules of Criminal Procedure after Plea [illegible]ty, Verdict or Finding of Guilt,* following 18 U. S. C. § 688.

○

John D. Pennekamp and the Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

Argument commenced by Mr. Robert H. Milam for the petitioners; continued by Mr. J. Tom Watson, Mr. James M. Carson, and Mr. Giles J. Patterson for the respondent; and concluded by Mr. Elisha Hanson for the petitioners.

American Federation of Labor, Metal Trades Department, A. F. of L., Florida State Federation of Labor, et al.,

Appellants,

448 vs.

J. Tom Watson, as Attorney General of the State of Florida, et al.

Argued by Mr. Herbert S. Thatcher for the appellants, and by Mr. J. Tom Watson, Mr. Howard S. Bailey, and Mr. Sumter Leitner for the appellees.

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Proclamation being made the Court is adjourned until Monday, February 11,

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Charles Patrick Clark, Esquire, of Washington, District of Columbia; Harold F. Trapp, Jr., Esquire, of Lincoln, State of Illinois; and Fred F. Fennell, Esquire, of Harriman, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Alfred K. Lee, Esquire, of Joplin, State of Missouri, and Jeptha A. Evans, Esquire, of Booneville, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Charles A. Mahrhoff, Jr., Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Cleveland Hedrick, Jr., It is ordered that Frederic J. Ball, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Bolsterling, It is ordered that Thomas F. Lynch, Esquire, of New York, State of New York, and Richard Corwine Stevenson, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Thomas Pierce Rogers, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that Saul Perlis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Jones, It is ordered that Joseph A. McClain, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Fontaine Broun, It is ordered that Francis A. O'Connell, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Cicero Wilson, It is ordered that Irvin L. Stephenson, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton K. Eckert, It is ordered that James Harry Painter, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roland Rice, it is ordered that Peter T. Beardsley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. A. Lasley, It is ordered that Wyatt Cleveland Holland, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Preston Swecker, It is ordered that Morris Kirschstein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Cooney, It is ordered that Charles H. Borden, Esquire, of Chicago, State of Illinois, and Donald A. Ladenberger, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - - - -

Oklahoma Press Publishing Company,
Petitioner,
61 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this

cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

News Printing Company, Inc., Petitioner,

63 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Courtney M. Mabee, Charles K. Barnum, Edward G. Thompkins, et al.,

Petitioners,

57 vs.

White Plains Publishing Company, Inc.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

Jay H. Taylor,

Appellant,

770 vs.

The Kentucky State Bar Association.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and on motion to dismiss, which was duly submitted:

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Bruce's Juices, Inc., Petitioner, vs. American Can Company. 402

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Alpine MacGregor, Petitioner, vs. Westinghouse Electric & Manufacturing Company. 410

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Masaharu Homma,

Petitioner,

93, Misc. vs.

Robert P. Patterson, Secretary of War et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Murphy and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Masaharu Homma,

Petitioner,

818 vs.

Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, It is ordered by this Court that the said petition be, and the same is hereby, denied on the authority of In the Matter of the Application of General Tomoyuki Yamashita, No. 61, Miscellaneous, October Term, 1945, and General Tomoyuki Yamashita v. Lieutenant General Wilhelm D. Styer, No. 672, October Term 1945, decided February 4, 1946.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Murphy and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Dewey White,

Petitioner,

86, Misc. vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George William Bailey,

Petitioner,

87, Misc. vs.

W. C. Parker, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carl W. Houghton,

Petitioner,

88, Misc. vs.

Ralph E. Benson, Acting Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

C. E. Owens,

Petitioner,

89, Misc. vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Queenside Hills Realty Co., Inc.,

Appellant,

769 vs.

William Wilson, as Commissioner of Housing and Buildings of the City of New York.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

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The United States of America,

Complainant,

12, Original vs.

The State of California.

ON CONSIDERATION of the motion of the Commonwealth of Massachusetts for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Jacob Siegal Company,

Petitioner,

605 vs.

Federal Trade Commission.

ON CONSIDERATION of the motion of Seymour Klein et al. for leave to argue as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Liggett & Myers Tobacco Company
et al.,

Petitioners,

19 vs.

The United States of America.

The death of Edward H. Thurston, a petitioner in this case, having been suggested,

It is, on motion of counsel for the petitioners, ordered by this Court that the writ of certiorari as to Edward H. Thurston be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

El Dorado Oil Works and El Dorado Terminal Company,

Appellants,

428 vs.

The United States of America et al.

It is ordered that this case be, and the same is hereby, restored to the summary docket for further argument on the merits on the assumption that the District Court had jurisdiction.

Per Mr. Chief Justice Stone.

Burton-Sutton Oil Company, Incorporated, Order allowing certiorari.

Petitioner,

361 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Verna Mae Bihn, Order allowing certiorari.

Petitioner,

675 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lehigh Navigation Coal Co., Inc. et al.,

Petitioners,

718 vs.

John B. Kelly, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carl McIntire, Theodore Elsner and Wiley Mission, Inc.,

Petitioners,

722 vs.

Wm. Penn Broadcasting Company of Philadelphia, Owners and Operators of Radio Broadcasting Station "WPEN."

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clarence A. Timony, Suing on Behalf of Himself and as Agent on Behalf of Other Former Employees of Todd Erie Basin Dry Docks, Inc., Etc.,

Petitioner,

758 vs.

Todd Shipyards Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Ralph O. Lucas,

Petitioner,

666 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy Eaton,

Petitioner,

680 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Oliver Bradford,

Petitioner,

685 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this

Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eddie Duncan, Petitioner,
vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

688

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Rolland, Petitioner,
vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

694

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Bessenhoffer,

Petitioner,

713 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Order of Railway Conductors of America, H. W. Fraser, President Thereof et al.,

Petitioners,

37 vs.

Shelton Pitney and Walter P. Gardner, Trustees of Central Railroad Co. of New Jersey et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joachim O. Fernandez, United States Collector of Internal Revenue,

Appellant,

58 vs.

Samuel C. Wiener, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Appellant,

59 vs.

Henry Rompel, Jr., Administrator
De Bonis Non Cum Testamento Annexo
of Ernest Herbst, Deceased.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Hunter,

Petitioner,

360 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Earl J. McFarland,

Petitioner,

363 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert R. House,

Petitioner,

600 vs.

State of Florida and Nathan Mayo,
State Prison Custodian.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herbert M. Gregory,

Petitioner,

112 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted; and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of these applications.

Francis P. Slattery,

Petitioner,

633 vs.

Allen A. McDonald, Sheriff of Indham
County, Michigan.

ON CONSIDERATION of the motion of the American Civil Liberties Union for leave to file a brief as amicus curiae in support of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Francis P. Slattery,

Petitioner,

633 vs.

Allen A. McDonald, Sheriff of Ingham County, Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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United States of America, ex rel. Jacob Hurwitz,

Petitioner,

544 vs.

Myrl E. Alexander.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

It appearing to the Court that petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

714 vs.

Edmund Carl Heine.

ON CONSIDERATION of the application of the Solicitor General to extend the time within which to make service under Rule 38,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including March 14, 1946.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, February 25, next, at 12 o'clock.

MONDAY, FEBRUARY 25, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed
Felix Frankfurter,
William O. Douglas,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Richard H. Field, Esquire, of Boston, Commonwealth of Massachusetts; Florence M. K. Murray, of Newport, State of Rhode Island; Paul F. Murray, Esquire, of Newport, State of Rhode Island; Charles H. McCue, Esquire, of Boston, Commonwealth of Massachusetts; James H. Kerr, Jr., Esquire, of Houston, State of Texas; Norman L. Casey, Esquire, of Little Rock, State of Arkansas; and Henry G. Fischer, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Preston Pope Reynolds, Esquire, of Dallas, State of Texas; Harold H. Singer, Esquire, of Dayton, State of Ohio; and Linnie Wright Barrett, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Sam M. Russell, It is ordered that A. G. McNeese, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that Donald Hayward Sanborn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion T. Bennett, It is ordered that C. Pershing Bell, Esquire, of Waynesville, State of Missouri, and Barkley M. Brock, Esquire, of Clinton, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Marvin E. Whittington, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. McCabe, It is ordered that Samuel Miles Fink, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Saul Sperling, Esquire, of New York, State of New York; James Church Coggill, Esquire, of New York, State of New York; and Laurence R. Wood, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert O. Muller, It is ordered that John C. McCarthy, Esquire, of Rockford, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Edmond F. Maher, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude A. Rankin, It is ordered that Oscar E. Ellis, Esquire, of Salem, State of Arkansas; James Benjamin Bunn, Esquire, of Osceola, State of Arkansas; and Harvey B. Thorn, Esquire, of Little Rock, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Abe. W. Bass, Esquire, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Addison T. Smith, It is ordered that Robert H. Wallis, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold C. Wilkenfeld, It is ordered that Sol Schwartz, Esquire, of Paterson, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frazer Frost Hilder, It is ordered that John Cates Woods, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that Hal H. McCaghren, Esquire, of Lakeland, State of Florida; and Joe Allen Jones, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick O. Roth, It is ordered that Lloyd B. Johnson, Esquire, of Albuquerque, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Eugene B. Wetherill, Esquire, of Kenton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court,

and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl I. Harwood, It is ordered that Frank Austin Holder, Esquire, of Dallas, State of Texas, and Theodore H. Prossard, Esquire, of Monett, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Jack H. Oppenheim, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Anna M. Boutell and Carroll M. Boutell, Doing Business as F. J. Boutell Service Company,

Petitioners,

vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

73

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Justice Burton.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dorothy Nippert, Appellant, vs. City of Richmond. — Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

72

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting: Mr. Justice Black.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Appellant, vs. American Union Transport, Inc., D. C. Andrews & Co., Inc., Atlantic Forwarding Co., Inc., et al. — Appeal from the District Court of the United States for the Southern District of New York.

44

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Douglas concur.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue,
Petitioner,
163 vs.
Laird Wilcox and Maud Wilcox

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Helen C. Poff, as Executrix of the Last Will and Testament of John B. Welshans, Deceased,
Petitioner,
484 vs.
The Pennsylvania Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Burton concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

National Labor Relations Board,
Petitioner,
vs.
Cheney California Lumber Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

319

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

George C. Holmberg, Frank C. Ball, Carl J. Easterberg, et al., on Behalf of Themselves and all Other Creditors of the Southern Minnesota Joint Stock Land Bank of Minneapolis,
Petitioners,
vs.
Charles Armbrecht and Gilbert Miller, Barbara Richards Michel, et al., as Executors Under the Last Will and Testament of Jules S. Bache, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

505

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Social Security Board,
Petitioner,
318 vs.
Joseph Nierotko.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
77 vs.
Petty Motor Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Merrill J. Brockbank, Doing Business as Brockbank Apparel Company.

78

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. William G. Grimsdell, Doing Business as Grocer Printing Company.

79

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Company. 80

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Independent Pneumatic Tool Company. 81

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. The Galigher Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

82

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Gray-Cannon Lumber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

83

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this case.

American Surety Company of New York, Petitioner, vs. Paul W. Sampsell, as Trustee in Bankruptcy of the Estate of Charles B. Stratton, etc. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

142

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

E. E. Ashcraft and John Ware, Petitioners, vs. State of Tennessee. — On writ of certiorari to the Supreme Court of the State of Tennessee.

381

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, as to Ashcraft, be, and the same is hereby, reversed with costs, and that the judgment as to Ware, be, and the same is hereby, vacated.

IT IS FURTHER ORDERED that this cause as to both petitioners, be, and the same is hereby, remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue,
Petitioner,
317 vs.
Francis E. Tower.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Rutledge.

Dissenting: The Chief Justice and Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

A. L. Lusthaus,
Petitioner,
263 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice joins.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Lloyd C. Duncan,

Petitioner,

14 vs.

Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Territory of Hawaii for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Murphy.

Concurring opinion by the Chief Justice.

Dissenting opinion by Mr. Justice Burton in which Mr. Justice Frankfurter concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Harry E. White,

Petitioner,

15 vs.

Wm. F. Steer, Colonel, Infantry, United States Army, Provost Marshal, Central Pacific Area.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the

same is hereby, remanded to the District Court of the United States for the Territory of Hawaii for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Murphy.

Concurring opinion by the Chief Justice.

Dissenting opinion by Mr. Justice Burton in which Mr. Justice Frankfurter concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

William H. Griffin, Petitioner, vs. Grace H. Griffin. 86

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Rutledge dissenting in part in which Mr. Justice Black joins.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Florence B. Bigelow, Marion B. Koerber, John E. Bloom and William C. Bloom,

Petitioners,

vs.

RKO Radio Pictures, Inc., Loew's, Incorporated, Twentieth Century-Fox Film Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

444

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court in this cause, be, and the same is hereby, affirmed; and that the judgment of the Circuit Court of Appeals be, and the same is hereby, reversed with costs.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"Ernest Knaebel, who was appointed Reporter of this Court on October 10, 1916, served in that capacity until his retirement from active duty on January 31, 1944, a period of more than twenty-seven years, represented by eighty volumes of the United States Reports extending from Volume 242 to Volume 321, inclusive.

"The Court records its appreciation of his diligence and valued labors as Reporter during his term of office.

"We express sincere regret at the severance of a relationship which has been uniformly friendly and agreeable, and we wish for him in his retirement many years of well-earned repose."

"It Is Ordered that Mr. Walter Wyatt be, and he hereby is, appointed Reporter of this Court, effective March 1, 1946, in the place of Mr. Ernest Knaebel, resigned, and he is charged with the duty of reporting the decisions of the present term which have not been published prior to March 1, 1946."

The Chief Justice announced the following orders of the Court:

Commissioner of Internal Revenue,
Petitioner,
751 vs.
Amelia E. Collins.

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that the Commissioner of Internal Revenue has dismissed his petition for review in the United States Circuit Court of Appeals for the Ninth Circuit,

Therefore, it is ordered by this Court that the certificate herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Taze Hamrick Gibson,
Petitioner,
221 vs.
The United States of America.

This case is restored to the docket for reargument before a full bench. On reargument special attention is directed to the question whether petitioner was accepted by the Civilian Public Service Camp and, if so, whether his acceptance bars the defense of the alleged improper classification.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Halliburton Oil Well Cementing Company,

Petitioner,

290 vs.

Cranford P. Walker et al., Doing Business as Depthograph Company, a Corporation.

ON CONSIDERATION of the petition for rehearing filed in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, granted and the case is restored to the docket for a reargument before a full bench. The motion to withhold issuance of the mandate is also granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Meyer Abrams,

Petitioner,

75, Misc. vs.

188 Randolph Building Corporation, Debtor et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert Fiester,

Petitioner,

90, Misc. vs.

People of the State of Illinois.

ON CONSIDERATION of the application submitted herein by Robert Fiester,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ferdinand Thompson,

Petitioner,

91, Misc. vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Rudolph Ross,

92, Misc. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus or prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chesteen McConnell,

Petitioner,

94, Misc. vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Kenneth W. Colegrove, Peter J. Chamales and Kenneth C. Sears,

Appellants,

804 vs.

Dwight H. Green, as a Member, Ex-officio of the Primary Certifying Board of the State of Illinois et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

Kenneth W. Colegrove, Peter J. Chamales and Kenneth C. Sears,

Appellants,

804 vs.

Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois et al.

ON CONSIDERATION of the motion of the Better Government Association for leave to file a brief as amicus curiae in this case and for leave to participate in the oral argument,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the motion for leave to participate in the oral argument be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor,

Petitioner,

749 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor,

Petitioner,

750 vs.

Nigal D. Campbell, Collector of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Lee Van Woods,

Petitioner,

631 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Lee Van Woods, Order allowing certiorari.

Petitioner,

631 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

The petition herein for a writ of certiorari to the Circuit Court of Randolph County, State of Illinois, is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lee Van Woods,

Petitioner,

671 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Lee Van Woods,

Petitioner,

671 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Criminal Court of Cook County, State of Illinois, is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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All Service Laundry Corporation,

Petitioner,

350 vs.

Lillian Maud Phillips, as Administratrix of the Goods, Chattels and Credits of Clifford R. Phillips, deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Shawano National Bank and H. J. Rose, Petitioners,
674 vs.
Chester A. Bowles, Administrator, Office of Price Administration.
On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert W. Krause, Petitioner,
702 vs.
The United States of America.
On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Patsy Mutariella, Petitioner,
709 vs.
The United States of America.
On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Theis et al., Not Individually but as The Bondholders' Protective Committee in the Matter of Certain Bonds of Grand River Drainage District of Livingston, et al.,

Petitioners,

729 vs.

Durward Belmont Luther, Alleged Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry Greenberg,

Petitioner,

731 vs.

I. & I. Holding Corporation and Harry Barrow, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mission State Bank,

Petitioner,

734 vs.

Charles Eugene Spurgeon, By His Next Friend, Thomas L. Brown.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John D. Lyon,

Petitioner,

736 vs.

Jerome K. Harkness.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gabriele Giordano,

Petitioner,

745 vs.

The Asbury Park and Ocean Grove Bank et al.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kansas City Bridge Company,

Petitioner,

746 vs.

Lewis Edwin Leichty, deceased, Mrs. L. E. Leichty, Claimant.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

R. G. LeTourneau, Inc., Petitioner, vs. Gar Wood Industries, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

753

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

W. P. Sewell and R. B. Sewell, Petitioners, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

754

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ward Morrison, Jr., Austin Hudson and Orie A. Jones, et al., Petitioners, vs. Maryland Casualty Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

757

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James J. Clayton, Petitioner, vs. State of Alabama. — On petition for writ of certiorari to the Supreme Court of the State of Alabama.

716

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Capitol Wine and Spirit Corporation, Petitioner, vs. Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue, etc. et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

721

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Don A. Davis, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

735

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The First National Bank of Longview, Texas,

Petitioner,

759 vs.

City of Longview, Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stanley G. Klumb,

Petitioner,

771 vs.

John Roach and Edwin B. H. Tower, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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George Phillips,

Petitioner,

475 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Samuel R. Toucey,

Petitioner,

649 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mollie Hagle,

Petitioner,

706 vs.

Benjamin Cherney and Samuel H. Berger.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dorsey W. McMahan,

Petitioner,

78, Misc. vs.

James V. Bennett, Director, Bureau of Federal Prisons.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Kinner Motors, Inc.,

Petitioner,

79, Misc. vs.

Honorable Campbell E. Beaumont, Judge of the U. S. District Court, Southern District of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Walter M. Smith,

Petitioner,

82, Misc. vs.

Honorable Joseph F. Maguire, Justice of the Domestic Relations Court of the City of New York et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

John Harding,

Petitioner,

83, Misc. vs.

Honorable F. H. LaGuardia, Mayor of the City of New York et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gas Ridge, Inc.,

Petitioner,

653 vs.

Suburban Agricultural Properties, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Wesley W. West,

Petitioner,

667 vs.

Commissioner of Internal Revenue;

J. Marion West,

Petitioner,

668 vs.

Commissioner of Internal Revenue;

Estate of J. M. West, deceased,
James M. West, Jr., et al.,
Executors,

Petitioners,

669 vs.

Commissioner of Internal Revenue; and

Jessie Gertrude West,

Petitioner,

670 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

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William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a fifth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this motion.

Kingdon William DeNormand, Joseph Peter Oddo, Joseph Alfred LaCascia et al.,

Petitioners,

208 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Edwin J. Creel,

Petitioner,

587 vs.

Robert T. Creel;

Edwin J. Creel,

Petitioner,

588 vs.

Robert T. Creel; and

Edwin J. Creel,

Petitioner,

589 vs.

Robert T. Creel.

ON CONSIDERATION of the motion to defer consideration of the petition for rehearing and of the petition for rehearing in these cases,

IT IS ORDERED by this Court that the motion to defer consideration be, and the same is hereby, denied.

IT IS FURTHER ORDERED that the petition for rehearing herein be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion and petition for rehearing.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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National Labor Relations Board,

Petitioner,

786 vs.

Donnelly Garment Company, Donnelly Garment Workers' Union et al.; and

International Ladies' Garment Workers Union,

Petitioner,

787 vs.

Donnelly Garment Company, et al.

ON CONSIDERATION of the application of counsel for the respondents to extend the time within which to file briefs for the respondents in these cases,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including March 28, 1946.

Per Mr. Chief Justice Stone.

Donald L. Skene,

Petitioner,

845 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

It appearing to the Court that petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Thomas Paper Stock Company et al.,

Petitioners,

578 vs.

Chester Bowles, Price Administrator.

Argument commenced by Mr. Jack H. Oppenheim for the petitioners and continued by Mr. Jacob D. Hyman for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Lester A. Lawrence, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Peter J. Kondos, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis H. Mann, It is ordered that Peter S. Sommer, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Munson H. Lane, It is ordered that James Lamont Johnston, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman L. Weisman, It is ordered that James J. Davis, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that Clifford L. Porter, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving R. M. Panzer, It is ordered that Marguerite McDowell, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Allen C. Phelps, It is ordered that James Wallace Kemp, Esquire, of New York, State of New York, and John L. York, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Coultrap, It is ordered that George Weber Coen, Esquire, of Lancaster, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Edward O'Connell, It is ordered that Benedict F. FitzGerald, Jr., Esquire, of Boston, Commonwealth of Massachusetts, and Thomas A. Flannery, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Mortimer Hollender, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Theodore L. Bowes, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas C. Bradley, It is ordered that William H. Pauling-Emrich, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geoffrey Croyke, Jr., It is ordered that Rowland F. Kirks, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Republic Pictures Corporation,

Appellant,

723 vs.

Francis Kappler.

ON CONSIDERATION of the application of counsel for the appellant to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including March 8, 1946.

Per Mr. Chief Justice Stone.

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Thomas Paper Stock Company et al.,

Petitioners,

578 vs.

Chester Bowles, Price Administrator.

Argument continued by Mr. Jacob D. Hyman for the respondent and concluded by Mr. Jack H. Oppenheim for the petitioners.

Thomas Paper Stock Company et al.,

Petitioners,

67 vs.

Chester Bowles, Price Administrator.

Argued by Mr. Jack H. Oppenheim for the petitioners and by Mr. Richard H. Field for the respondent.

Christine Collins, A. J. Cummins, Yancey Lee Cummins, and Edward J. Miller,

Petitioners,

393 vs.

Chester Bowles, Price Administrator.

Argued by Mr. Mac Asbill for the petitioners and by Mr. Richard H. Field for the respondent.

Utah Junk Company,

Petitioner,

400 vs.

Chester Bowles, Price Administrator.

Argued by Mr. Richard H. Field for the respondent. Case submitted by Mr. Keith L. Seegmiller for the petitioner.

The United States of America,

Appellant,

474 vs.

Joseph L. Carbone, Vincent Di Nunno, John Stropparo, and Wantee Kuhtaniemi.

Argument commenced by Mr. Frederick B. Wiener for the appellant.

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Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that Frank A. Barrett, Esquire, of Lusk, State of Wyoming, and Lawrence H. Smith, Esquire, of Racine, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Harry A. Carson, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Lane, It is ordered that Irvin Monroe Davis, Esquire, of Arlington, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abe J. Garland, It is ordered that Harry J. Pasternak, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard I. Nordlinger, It is ordered that Marvin C. Beck, Esquire, of Baltimore, State of Maryland, and Morris Rosenberg, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter J. Cummings, Jr., It is ordered that Marshall Funk, Esquire, of Bowling Green, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United States,

Appellant,

474 vs.

Joseph L. Carbone, Vincent Di Numno, John Stropparo, et al.

Argument continued by Mr. Frederick B. Wiener for the appellant; by Mr. Hammond E. Chaffetz for appellees, John L. Carbone, et al.; by Mr. Michael Carchia for appellee, Vincent Di Numno; and concluded by Mr. Frederick B. Wiener for the appellant.

Commissioner of Internal Revenue,

Petitioner,

452 vs.

Charles T. Fisher et al., Executors of the Estate of Fred J. Fisher, and Bertha M. Fisher.

Argued by Mr. Walter J. Cummings, Jr., for the petitioner and by Mr. R. M. O'Hara for the respondents.

Unemployment Compensation Commission of the Territory of Alaska et al.,

Petitioners,

309 vs.

Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al.

Argued by Mr. Marshall P. Madison for the petitioners and by Mr. Herbert Resner for the respondents.

Emory S. Land, Individually and as Chairman of the United States Maritime Commission, et al.,

Petitioners,

435 vs.

Waterman Steamship Corporation.

It appearing to the Court that counsel for the respective parties have filed a stipulation providing for the substitution of Edward Macauley, as Acting Chairman of the United States Maritime Commission, as a party petitioner in the place of Emory S. Land, resigned; and also providing for the dismissal of the case as to petitioners Kenneth F. Clark, Victor B. Gerard, and W. B. Van Houten who are no longer members of the Maritime Commission Price Adjustment Board;

Therefore, pursuant to said stipulation, it is ordered by this Court that Edward Macauley, as Acting Chairman of the United States Maritime Commission, be, and he is hereby, substituted as a party petitioner herein in the place of Emory S. Land, resigned, and that the cause of action be so continued and maintained.

It is further ordered that the writ of certiorari herein as to petitioners Kenneth F. Clark, Victor B. Gerard, and W. B. Van Houten, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Edward Macauley, Individually and as Acting Chairman of the United States Maritime Commission, et al.,

Petitioners,

435 vs.

Waterman Steamship Corporation.

Argument commenced by Robert L. Stern for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, FEBRUARY 28, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justice.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Lem L. Reece, Esquire, of Elizabethton, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bayard Clark, It is ordered that Judson D. DeRamus, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward E. Watts, Jr., It is ordered that Milton J. Keegan, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard Margolius, It is ordered that Albert B. Koorie, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel Campbell Bryan, It is ordered that Lars Henry Bengston, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Whitehead, It is ordered that Charles Elliot Wheeler, Esquire, of Easton, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Stone, It is ordered that Isidore Entes, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. McNamara, It is ordered that John M. Logan, Jr., Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair Engle, It is ordered that Walter A. Evans, Esquire, of Bridgeport, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip W. Yager, It is ordered that William B. Crawford, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Edward Macauley, Individually and as
Acting Chairman of the United States
Maritime Commission, et al.,

Petitioners,

435 vs.

Waterman Steamship Corporation.

Argument continued by Mr. Robert L. Stern for the petitioners and concluded by Mr. U. Bon Geaslin for the respondent.

The Order of United Commercial Travelers of America,

Petitioner,

556 vs.

Edward C. Wolfe.

Argument commenced by Mr. Byron S. Payne for the petitioner, continued by Mr. E. W. Dillon for the petitioner, and concluded by Mr. Hubbard F. Fellows for the respondent.

Gus Kotteakos and Michael Lekacos,

Petitioners,

457 vs.

United States; and

Nathan Regenbogen,

Petitioner,

458 vs.

United States.

Argued by Mr. Henry G. Singer for the petitioners and by Mr. W. Marvin Smith for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 1, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Isaac C. Donner, It is ordered that Harry Katz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Pickett, It is ordered that James William Summers, Esquire, of Rusk, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland W. Pixel, It is ordered that William L. Guild, Jr., Esquire, of Wheaton, State of Illinois; Robert H. Kirschman, Jr., Esquire, of Battle Creek, State of Michigan; and Seely P. Forbes, Esquire, of Rockford, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Lawrence McGovern, It is ordered that Carl H. McClure, III, Esquire, of New York, State of New York, and Nicholas J. Campbell, Jr., Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford A. Sheldon, It is ordered that Harry V. Osborne, Jr., Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin Norr, It is ordered that Richard H. Peterson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel A. Adeva, It is ordered that Emilio Torres, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome Harvey Simonds, It is ordered that Howard Henig, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ashley Sellers, It is ordered that Phillip Tocker, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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D. A. Schulte, Inc.,

Petitioner,

517 vs.

Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated.

Argued by Mr. Edwin A. Falk for the petitioner and by Mr. Isidore Entes for the respondent.

Joseph D. McGoldrick, Comptroller of
the City of New York et al.,

Petitioners,

518 vs.

Carter & Weekes Stevedoring Company; and

Joseph D. McGoldrick, Comptroller of
the City of New York et al.,

Petitioners,

519 vs.

John T. Clark & Son.

ON CONSIDERATION of the motion of Mr. Isaac C. Donner, counsel for the petitioners, to substitute as parties petitioner Lazarus Joseph, present Comptroller of the City of New York, and Spencer C. Young, present Treasurer of the City of New York, successors in office of Joseph D. McGoldrick and Almerindo Portfolio, respectively,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause of action be so continued and maintained.

Per Mr. Chief Justice Stone.

Lazarus Joseph, Comptroller of the
City of New York, et al.,

Petitioners,

518 vs.

Carter & Weekes Stevedoring Company; and

Lazarus Joseph, Comptroller of the City
of New York, et al.,

Petitioners,

519 vs.

John T. Clark & Son.

Argued by Mr. Isaac C. Donner for the petitioners and by Mr. Samuel M. Lane for the respondents.

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MONDAY, MARCH 4, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Floyd E. Thomas, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that A. J. Pope, Jr., Esquire, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Musgrave, It is ordered that Walter W. Selvy, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that John R. Wall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Erwin B. Ellmann, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David J. Goddaire, It is ordered that William J. Fitzsimons, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Willard Hayes, It is ordered that Henry T. Clement, Esquire, of Chatham, Commonwealth of Virginia; R. Roy Rush, Esquire, of Roanoke, Commonwealth of Virginia; and Howard C. Gilmer, Jr., Esquire, of Pulaski, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Cornelius H. Skinker, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. A. Ledbetter, It is ordered that Louis A. Fischl, Esquire, of Ardmore, State of Oklahoma, and Thomas W. Champion, Esquire, of Ardmore, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin S. Phillips, It is ordered that Harold W. Classen, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Erskine R. Myer, It is ordered that H. Allyn Hicks, Jr., Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Paul Ginsburg, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Tursone, it is ordered that Jack S. Glasser, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Meyberg, it is ordered that Rupert B. Turnbull, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jerome F. Duggan, Trustee of the Estates of Christopher Engineering Company, and National Aircraft Corporation,

Petitioner,

vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

418

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

National Aircraft Corporation,

Petitioner,

419 vs.

James C. Sansberry, Trustee of the Estate of National Aircraft Corporation.

on writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Warren W. Wilson et al., Partners Doing Business as Wilson Lumber Company,

Appellants,

328 vs.

Otho A. Cook, Commissioner of Revenues for the State of Arkansas; and

Otho A. Cook, Commissioner of Revenues for the State of Arkansas,

Petitioner,

329 vs.

Warren W. Wilson et al., Partners Doing Business as Wilson Lumber Company.

Appeal from and writ of certiorari to the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court

as follows: The appeal in No. 328 is dismissed for the want of jurisdiction and, treating the appeal as a petition for writ of certiorari, certiorari is granted. The judgment is reversed in part and affirmed in part as indicated in the opinion and the case is remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court. On the remand the state courts will be free, so far as their own practice allows, to determine any state questions here involved and any federal questions not already decided by the opinion of this Court. Costs in this Court in both cases are to be taxed in favor of Otho A. Cook, Commissioner of Revenues for the State of Arkansas, and against Warren W. Wilson et al.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas concurs in the result.

Dissenting opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Dorsey McMahan,

Petitioner,

95, Misc. vs.

Tom C. Clark, Attorney General.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Irene Morgan,

Appellant,

704 vs.

Commonwealth of Virginia.

ON CONSIDERATION of the motions of the Workers Defense League and the American Civil Liberties Union for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of these motions.

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The United States, Order allowing certiorari.

Petitioner,

696 vs.

Joseph A. Holpuch Company.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Order allowing certiorari.

Petitioner,

697 vs.

Joseph A. Holpuch Company.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

W. Daniel Pinkerton and Walter G. Pinkerton,

Petitioners,

719 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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York Engineering and Construction Company,

Petitioner,

692 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Petitioner, vs. York Engineering and Construction Company. 783

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Petitioner, vs. Henry Ericsson Company. 701

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Anthony Teramine, Petitioner, vs. C. J. Shuttleworth, Warden, Federal Correctional Institution, Milan, Michigan. 747

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Petitioner, vs. B-W Construction Company. — On petition for writ of certiorari to The Court of Claims.

748

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy E. Crummer, Hewen A. Lasseter, Courtney S. Turney et al., Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

762

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frederic W. Procter, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

775

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Ginsburg,

Petitioner,

779 vs.

Russell H. Adams.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Manhattan Railway Company and Charles Franklin,

Petitioners,

814 vs.

The City of New York et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank J. Lorenz,

Petitioner,

727 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Steve Tandaric, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

733

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Rose K. Joyce, Petitioner, vs. Board of Education of the City of Chicago. — On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

717

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of the opinion that certiorari should be granted.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Sylvester Andrews, Petitioner, vs. Mallory C. Atkinson, Judge of the Superior Court of Bibb County, Georgia. — On petition for writ of certiorari to the Supreme Court of the State of Georgia.

687

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sylvester Andrews,
Petitioner,
698 vs.
Mallory C. Atkinson, Judge, Bibb Superior Court.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clement Lebedis,
Petitioner,
712 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mace Taylor,
Petitioner,
720 vs.
W. C. Parker, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Wright, Petitioner,
741 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Feeley, Petitioner,
742 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Sylvester Andrews, Petitioner,
710 vs.
Mallory C. Atkinson, Judge of the Superior Court.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

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Thomas Martino,

Petitioner,

21 vs.

Michigan Window Cleaning Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank Canizio,

Petitioner,

152 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cecil L. Wright,

Petitioner,

383 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Hudson Coal Company,

Petitioner,

703 vs.

Arja Watkins, Roger G. Westgage et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Federal National Bank of Shawnee, Oklahoma, Guardian, etc.,

Petitioner,

705 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herbert M. Gregory,

Petitioner,

112 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Burton and Mr. Justice Jackson took no part in the consideration or decision of this motion.

The United States of America,

Petitioner,

115 vs.

William H. Johnson; and

The United States of America,

Petitioner,

116 vs.

Jack Sommers, James A. Hartigan, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, March 11, until Monday, March 25, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Cecil McKown,

Petitioner,

891 vs.

State of Florida.

ON CONSIDERATION of the application of counsel for the petitioner to extend the time within which to make service under Rule 38 in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including April 1, 1946.

Per Mr. Chief Justice Stone.

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James Louis Girouard,

Petitioner,

572 vs.

United States.

Argued by Mr. Homer Cummings and Mr. William D. Donnelly for the petitioner and by Mr. Frederick Bernays Wiener for the respondent.

Jacob Siegel Company,

Petitioner,

605 vs.

Federal Trade Commission.

Argued by Mr. Robert T. McCracken for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Annalis Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. W. Clifton Stone, It is ordered that Joseph H. Wendel, Esquire, of Milwaukee, State of Wisconsin, and Michael M. Kearney, Esquire, of Des Moines, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles D. Hamel, It is ordered that William A. Nuessle, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter J. Cummings, Jr., It is ordered that William J. Steeger, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin S. S. Sunderland, It is ordered that Alexander M. Lewis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that John C. Masson, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Putman Dinsmore, It is ordered that Everett B. Comer, Esquire, of Fort Worth, State of Texas, and James E. Whitmore, Esquire, of Fort Worth, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margarf, It is ordered that Elmer J. Kelsey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertram E. Williams, It is ordered that Nicholas A. Draim, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel A. Adeva, It is ordered that Concepcion A. Aguila, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that Clarence M. Reardon, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that George H. Harvey, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael H. Cardozo IV, It is ordered that Julius L. Neidle, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

714 vs.

Edmund Carl Heine.

ON CONSIDERATION of the application of Mr. Solicitor General McGrath to extend the time further within which to make service under Rule 38 in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including April 1, 1946.

Per Mr. Chief Justice Stone.

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Dr. Furman Angel,

Petitioner,

540 vs.

W. H. Bullington.

Argued by Mr. G. Lyle Jones for the petitioner and by Mr. R. Roy Rush for the respondent.

McAllister Lighterage Line, Inc.,

Appellant,

616 vs.

The United States and The Interstate Commerce Commission.

Argued by Mr. Roman Beck for the appellant and by Mr. Walter J. Cummings, Jr. for the appellees.

M. E. Heiser,

Petitioner,

496 vs.

Willie Mae Woodruff et al.

Argument commenced by Mr. Leonard J. Meyberg for the petitioner, continued by Mr. Louis A. Fischl for the respondents, and concluded by Mr. Rupert B. Turnbull for the petitioner.

Reconstruction Finance Corporation et al.,

Petitioners,

278 vs.

The Denver and Rio Grande Western Railroad Company et al.;

Reconstruction Finance Corporation et al.,

Petitioners,

279 vs.

The Denver and Salt Lake Western Railroad Company et al.;

Reconstruction Finance Corporation et al.,

Petitioners,

280 vs.

City Bank Farmers Trust Company, Trustee, et al.;

Reconstruction Finance Corporation et al.,

Petitioners,

281 vs.

The Denver and Rio Grande Western Railroad Company et al.; and

Reconstruction Finance Corporation et al.,

Petitioners,

282 vs.

Guy A. Thompson, Trustee, et al.

Three and one-half hours allowed for oral argument. Argument commenced by Mr. George D. Gibson for the petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, it is ordered that Warren Edward Slaughter, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that J. W. Arbuthnot, Esquire, of Marion, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carroll L. Beedy, It is ordered that Nathan Beach Bidwell, Esquire, of Boston, Commonwealth of Massachusetts, and Clarence A. Barnes, Esquire, of Mansfield, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Cavanaugh, It is ordered that Paul W. Mahady, Esquire, of Latrobe, Commonwealth of Pennsylvania, and Paul A. Barron, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick O. Roth, It is ordered that William Mann Morrison, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic P. Lee, It is ordered that Moncure Camper O'Neal, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Reconstruction Finance Corporation et al.,

Petitioners,

278 vs.

The Denver and Rio Grande Western Railroad Company et al.;

Reconstruction Finance Corporation et al.,

Petitioners,

279 vs.

The Denver and Salt Lake Western Railroad Company et al.;

Reconstruction Finance Corporation et al.;

Petitioners,

280 vs.

City Bank Farmers Trust Company, Trustee, et al.;

Reconstruction Finance Corporation et al.,

Petitioners,

Reconstruction Finance Corporation
et al.,

Petitioners,

282 vs.

Guy A. Thompson, Trustee, et al.

Argument continued by Mr. George D. Gibson for the petitioners; by Mr. Edward E. Watts, Jr., for respondent, City Bank Farmers Trust Company, Trustee, etc.; by Mr. Frank C. Nicodemus, Jr., for respondent, Denver and Rio Grande Western Railroad Company; and concluded by Mr. George D. Gibson for the petitioners. Case submitted by Mr. H. H. Larimore for respondent, Guy A. Thompson, Trustee of Missouri Pacific Railway Company.

Walter A. Lavender, Administrator De
Bonis Non of the Estate of L. E. Haney,
Deceased,

Petitioner,

550 vs.

J. M. Kurn et al., Trustees of St.
Louis-San Francisco Railway Company,
Debtor, et al.

Argument commenced by Mr. N. Murray Edwards for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 7, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Attorney General Tom Clark, It is ordered that Daniel J. Flood, Esquire, of Wilkes-Barre, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam Rayburn, It is ordered that James M. Eldridge, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. P. Carville, It is ordered that John Donovan, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney C. Schlesinger, It is ordered that Hobart S. Bird, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that Luther E. Jones, Jr., Esquire, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David W. Robinson, Jr., It is ordered that T. C. Callison, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. McNamara, It is ordered that Gustav M. Dongus, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that Edward P. Morgan, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn Earl Baird, It is ordered that Melvin A. Hardies, Esquire, of Chicago, State of Illinois, and Leroy G. Denman, Jr., Esquire, of San Antonio, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Maloney, It is ordered that Carl W. Funk, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and Clifford H. Domke, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Quinn Shaughnessy, It is ordered that William F. Delaney, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased,

Petitioner,

550 vs.

J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, et al.

Argument continued by Mr. William H. Gentry for the respondent, Illinois Central Railroad Company; by Mr. Cornelius M. Skinner, Jr., for the respondent, J. M. Kurn et al., Trustees of St. Louis-San Francisco Railway Company, Debtor; and concluded by Mr. N. Murray Edwards for the petitioner.

United States ex rel. Tennessee Valley Authority,

Petitioner,

528 vs.

S. Columbus Welch;

United States ex rel. Tennessee Valley Authority,

Petitioner,

529 vs.

John Burns et al.;

United States ex rel. Tennessee Valley Authority,

Petitioner,

530 vs.

Fred Lollis et al.;

United States ex rel. Tennessee Valley Authority,

Petitioner,

531 vs.

Arnold E. Bradshaw et al.;

United States ex rel. Tennessee Valley Authority,

Petitioner,

532 vs.

Philip G. Rust et al.; and

United States ex rel. Tennessee Valley Authority,

Petitioner,

533 vs.

Abraham Cole Hyatt et al.

Argued by Mr. Joseph C. Swidler for the petitioner, by Mr. George H. Ward for respondents in Nos. 529 to 533, inclusive, and by Mr. McKinley Edwards for respondent in No. 528.

Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears,

Appellants,

804 vs.

Dwight H. Green, as a Member, Ex-Officio of the Primary Certifying Board of the State of Illinois, et al.

Argument commenced by Mr. Urban A. Lavery for the appellants.

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FRIDAY, MARCH 8, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Stephan Holbrook Beach, It is ordered that Arthur M. Fruechtenicht, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Blackney, It is ordered that Ralph M. Freeman, Esquire, of Flint, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Marcus Ginsburg, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton J. Blake, It is ordered that Helen B. Arthur, of Washington, District of Columbia; William Reed Arthur, Jr., Esquire, of Boulder, State of Colorado; Harold D. Beatty, Esquire, of New York, State of New York; and William Brecht Hanback, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Charles Shepherd Thompson, It is ordered that Wade Goble, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Leo DeOrsey, It is ordered that Daniel S. Ring, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Wyatt, It is ordered that Thomas F. Daly, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph C. Shaw, It is ordered that Benjamin H. Long, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Magner, It is ordered that Francis J. Kelly, Esquire, of Washington, District of Columbia; Elizabeth C. Kelly, of Washington, District of Columbia; and J. Louis O'Connor, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

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Lee Van Woods,

Petitioner,

631 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois; and

Lee Van Woods,

Petitioner,

671 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

It is ordered that Edward H. Levi, Esquire, of Chicago, Illinois, be and he is hereby, appointed to serve as counsel for petitioner in these cases.

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Kenneth W. Colegrove, Peter J. Chamales, and Kenneth C. Sears,

Appellants,

804 vs.

Dwight H. Green, As a Member Ex-Officio of the Primary Certifying Board of the State of Illinois, et al.

Argument continued by Mr. William C. Wines for the appellees and concluded by Mr. Urban A. Lavery for the appellants.

First Iowa Hydro-Electric Co-Operative,

Petitioner,

603 vs.

Federal Power Commission et al.

Argued by Mr. David W. Robinson for the petitioner; by Mr. Howard E. Wahrenbrock for the respondent, Federal Power Commission; and by Mr. Neill Garrett for the intervenor, The State of Iowa.

The Prudential Insurance Company,

Appellant,

707 vs.

L. George Benjamin, as Insurance Commissioner of the State of South Carolina.

Argument commenced by Mr. Joseph W. Henderson for the appellant.

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Proclamation being made the Court is adjourned until Monday, March 11, next.

MONDAY, MARCH 11, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that Patrick J. Morrow, Jr., Esquire, of Logan, State of Iowa, and John Robert Day, Esquire, of Washington, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Vaughan Gary, It is ordered that John T. Grigsby, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Knowles Congdon, Jr., It is ordered that Charles E. Grover, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch E. Ellison, It is ordered that J. W. Maxwell, Esquire, of Beckley, State of West Virginia, and Floyd M. Sayre, Esquire, of Beckley, State of West Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Dangoll, It is ordered that Thomas C. Crowther, Esquire, of Fall River, Commonwealth of Massachusetts, and Leo E. Sherry, Esquire, of Salem, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Mickey, It is ordered that Charles Landesman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Bruce B. Greene, Esquire, of Somerville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus G. Poole, It is ordered that Milton Carl Denbo, Esquire, of Washington, District of Columbia, and M. Robert Deo, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Davison, Jr., It is ordered that Robert B. Curry, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that Walter Wilson Manes, Esquire, of East Liverpool, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hermann Moyse, It is ordered that William B. Ruder, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Frances A. Bazar, It is ordered that Marion Davies, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Phidias J. J. Nicolaides, It is ordered that David M. Markowitz, Esquire, of New York, State of New York; and William E. Comer, Esquire, of Greensboro, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Fleming, It is ordered that Cornelius G. DeLoca, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerard D. Reilly, It is ordered that Charles D. Pennebaker, Esquire, of Washington, District of Columbia, and Warren A. Palmer, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenoir, It is ordered that William P. Cassedy, Esquire, of Brookhaven, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Richard P. Jackson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel M. Gorman, It is ordered that A. Milton Miller, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that John Geyer Tausig, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris P. Glushien, It is ordered that Nathaniel M. Janes, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Interstate Commerce Commission, Consolidated Freightways, Inc., et al.,

Appellants,

74 vs.

Pierce Auto Freight Lines, Inc., Los Angeles-Seattle Motor Express, Angelo Colletti, et al.

Appeal from the District Court of the United States for the District of Oregon.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting: Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Commissioner of Internal Revenue,

Petitioner,

452 vs.

Charles T. Fisher, Edward F. Fisher, and Leo M. Butzel, Executors of the Estate of Fred J. Fisher, and Bertha M. Fisher.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

Austin F. Akin, Appellant, vs. The United States of America, Interstate Commerce Commission et al. — Appeal from the District Court of the United States for the Western District of Louisiana.

803

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Louisiana, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

IT IS FURTHER ordered, adjudged, and decreed that the decree of the District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

David Elmer Hartshorn, Appellant, vs. Robert X. Kuzmier and Richard C. Cotter. — Appeal from the District Court of the United States for the Eastern District of New York.

817

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Bruce's Juices, Inc.,

Petitioner,

402 vs.

American Can Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted. The case is restored to the docket for reargument before a full bench. The motion to withhold the issuance of the mandate is also granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Alpine MacGregor,

Petitioner,

410 vs.

Westinghouse Electric & Manufacturing Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted. The case is restored to the docket for reargument before a full bench. The issuance of the mandate is stayed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Ernest Lopez,

Petitioner,

74, Misc. vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Factor,

Petitioner,

97, Misc. vs.

G. W. Humphrey, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cassius M. McDonald,

Petitioner,

99, Misc. vs.

Walter A. Hunter, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mrs. Wm. Fraser,

Petitioner,

98, Misc. vs.

The United States of America.

ON CONSIDERATION of the application submitted herein by Mrs. Wm. Fraser,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Cecil I. Hust,

Petitioner,

625 vs.

Moore McCormack Lines, Inc.

ON CONSIDERATION of the motion of the National Maritime Union of America for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Thomas Paper Stock Company et al.,

Petitioners,

67 vs.

Chester Bowles, Price Administrator;

Christine Collins, A. J. Cummins, et al.,

Petitioners,

393 vs.

Chester Bowles, Price Administrator;

Utah Junk Company,

Petitioner,

400 vs.

Chester Bowles, Price Administrator;

Thomas Paper Stock Company et al.,

Petitioners,

578 vs.

Chester Bowles, Price Administrator;

Chester Bowles, Administrator, Office of Price Administration,

Petitioner,

793 vs.

Warner Holding Company;

Julian Lentin, Doing Business as J. Lentin Lumber Company,

Petitioner,

805 vs.

Chester A. Bowles, Administrator, Office of Price Administration;

William Leithold and Emily Leithold,
Individually, etc.,

Petitioners,

826 vs.

Chester Bowles, Administrator, Office
of Price Administration; and

Stanley Taylor and Evelyn Flynn,

Petitioners,

870 vs.

Chester Bowles, Administrator, Office
of Price Administration.

ON CONSIDERATION of the motions by Mr. Solicitor General McGrath to substitute Paul A. Porter, present Price Administrator, in place of Chester Bowles, resigned, in these cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted, and the cases are so continued and maintained.

Per Mr. Chief Justice Stone.

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Paul A. Porter, Administrator,
Office of Price Administration,

Petitioner,

793 vs.

Warner Holding Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Hugh Greer Carruthers, Petitioner,

763 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William V. Bicanic, Frank Akar, George Elich et al., Petitioners,

772 vs.

J. C. Campbell Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Czupiy, Steve Geswine, Walter L. Carlson et al., Petitioners,

773 vs.

North Star Timber Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James E. Markham, as Alien Property Custodian,

Petitioner,

774 vs.

Constantinos G. Kallimanis et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Industrial Trust Company et al., Executors,

Petitioners,

781 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Maurice D. Adams, Sylvia Jacobs, Martin Lasher et al.,

Petitioners,

788 vs.

United States Distributing Corporation, The Pittston Company et al.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, on the Relation of Raymond J. Nitkey and Raymond J. Nitkey in His Own Behalf,

Petitioner,

794 vs.

Charles G. Dawes et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bankers Trust Company, as Trustee, et al.,

Petitioners,

795 vs.

The People of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harold M. Steiner,

Petitioner,

798 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jonas A. Miller,
Petitioner,
799 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Provident Trust Company of Philadelphia,
Petitioner,
815 vs.
The Metropolitan Casualty Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Provident Trust Company of Philadelphia, Trustee,
Petitioner,
816 vs.
The Metropolitan Casualty Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edith Vandevoir,

Petitioner,

827 vs.

Southeastern Greyhound Lines.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Ralph Swihart,

Petitioner,

676 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion to dispense with the printing of the petition and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Ralph Swihart,

Petitioner,

676 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Florida ex rel. H. Leslie Quigg,

Petitioner,

800 vs.

Charles O. Nelson.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

State of Florida ex rel. H. Leslie Quigg,

Petitioner,

800 vs.

Charles O. Nelson.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Leroy Odom,

Petitioner,

606 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Leroy Odom, Order allowing certiorari.

Petitioner,

606 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Albert W. Krause, On petition for writ of certiorari to

Petitioner, the United States Court of Appeals for

454 vs. the District of Columbia.

Howard B. Gill, General Superintendent and Edward J. Welch, Superintendent.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Clara Dellar, Petitioner, vs. Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor and United Artists Corporation.

654

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clara Dellar, Petitioner, vs. Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor and United Artists Corporation.

655

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pat Duggan, Petitioner, vs. Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

656

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is

hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Grierson, Petitioner, vs. Stanley P. Ashe, Warden, Western Pennsylvania Penitentiary, Pittsburgh, Pennsylvania, et al.

658

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Grierson, Petitioner, vs. Stanley P. Ashe, Warden, Western Pennsylvania Penitentiary, Pittsburgh, Pennsylvania, et al.

659

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Scott Lantz,
Petitioner,
665 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Macon County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Hawley,
Petitioner,
683 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Tony Marino, Petitioner,

738 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Leon E. Tuttle, Petitioner,

739 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Spensky, Petitioner,

743 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David M. Marr,
Petitioner,
752 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jerome Hensley,
Petitioner,
760 vs.
Walter Mierstheimer, Warden of Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Earl Spencer,
Petitioner,
766 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Elmer Atkins,
Petitioner,
768 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lew Palmer,
Petitioner,
777 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Taylor,
Petitioner,
778 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

William Wright, Petitioner,

780 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Lee Baldridge, Petitioner,

785 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Ross Wagner, Petitioner,

806 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Coleman, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

807

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gregory Taylor, Petitioner, vs. Walter Nierstheimer, Warden, Menard, Branch, Illinois State Penitentiary.

820

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Riley Simmons, Petitioner, vs. Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

829

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard Armstrong,

Petitioner,

836 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Grady Crowley,

Petitioner,

842 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Pease,

Petitioner,

761 vs.

W. C. Parker, Warden of the Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Willie Humble,

Petitioner,

776 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Republic Pictures Corporation,

Appellant,

723 vs.

Francis Kappler.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gas Ridge, Inc.,

Petitioner,

653 vs.

Suburban Agricultural Properties, Inc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case and of the second petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Queenside Hills Realty Co., Inc.,

Appellant,

769 vs.

William Wilson, as Commissioner of Housing and Buildings of the City of New York.

It appearing to the Court that counsel for the respective parties have filed a stipulation providing for the substitution of T. Newton Saxl, present Commissioner of Housing and Buildings of the City of New York, successor in office of William Wilson, as the party appellee in this case,

Therefore, pursuant to said stipulation, it is ordered by this Court that T. Newton Saxl, as Commissioner of Housing and Buildings of the City of New York, be substituted as the party appellee in place of William Wilson and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

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The Prudential Insurance Company,

Appellant,

707 vs.

L. George Benjamin, as Insurance Commissioner of the State of South Carolina.

Argument continued by Mr. Joseph W. Henderson for the appellant; by Mr. T. C. Callison and Mr. David W. Robinson for the appellee; by Mr. C. M. Foust for the State of Indiana and other States, as amici curiae, by special leave of Court; and concluded by Mr. Joseph W. Henderson for the appellant.

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Proclamation being made the Court is adjourned until Monday, March 25, next.

MONDAY, MARCH 25, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Brnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that John Allison Duncan, Esquire, of Cleveland, State of Ohio; Leonard A. Goldberg, Esquire, of Sylacauga, State of Alabama; and Moses L. Rove, Esquire, of Hurleysville, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Stonewall Shepherd Tate, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that Edward L. Maddox, Esquire, of Harrisburg, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer S. Cummings, It is ordered that Joseph B. Rippey, Esquire, of Rochester, State of New York, and James A. Shanley, Esquire, of New Haven, State of Connecticut, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that John M. Osterud, Esquire, of Spring Valley, State of Minnesota, and Allen Spivock, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that George E. McConley, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard K. Stevens, It is ordered that Ralph Carlisle Smith, Esquire, of Los Alamos, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford A. Sheldon, It is ordered that Carl Shapiro, Esquire, of Hempstead, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Julian Bloch, It is ordered that Harry Stone Strozier, Esquire, of Macon, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daryal A. Myse, It is ordered that W. V. T. Justis, Esquire, of Charlottesville, Commonwealth of Virginia, and Louis C. Guidry, Esquire, of New Orleans, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Rowland Potter, It is ordered that M. J. Bernard, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Koenigsberger, It is ordered that Sidney M. Zipser, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Crosby Roper, Jr., It is ordered that George Madin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Thomas Washington, It is ordered that Gaylord Davis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Ivores Roy Dains, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Morris H. Sachs, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richmond B. Keech, It is ordered that Una Rita Morris, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that Reginald Parker, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that Adolphus W. D. Gronningsater, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Elgin, Joliet and Eastern Railway Company,

Petitioner,

160, O.T. 1944 vs.

G. W. Burley et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Appeals for the Seventh Circuit and was reargued by counsel on the granting of a petition for rehearing.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, reaffirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings consistent with the present opinion of this Court and also the opinion of this Court filed June 11, 1945.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Chief Justice Stone and Mr. Justice Burton concur.

Mr. Justice Jackson took no part in the consideration or decision of this case on the reargument.

M. Kraus & Bros., Inc.,

Petitioner,

198 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for a new trial in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Douglas.

Concurring opinion by Mr. Justice Rutledge in which Mr. Justice Frankfurter joins although also agreeing with the opinion of Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Burton join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America,
Appellant,
474 vs.
Joseph L. Carbone, Vincent DiNunno, John Stropparo and Wantee Huhtaniemi.

Appeal from the District Court of the United States for the District of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Massachusetts, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Chief Justice Stone and Mr. Justice Burton concur.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Walter A. Lavender, Administrator De Bonis Non of the Estate of L. E. Haney, Deceased,
Petitioner,
550 vs.
J. M. Kurn, et al., Trustees of St. Louis-San Francisco Railway Company, Debtor, and Illinois Central Railroad Company.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court for whatever further proceedings may be necessary not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

The Chief Justice and Mr. Justice Frankfurter concur in the result.

Dissenting: Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

McAllister Lighterage Line, Inc.,

Appellant,

vs.

The United States of America and the Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of New York.

616

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

American Federation of Labor, Metal Trades Department, A. F. of L.; Florida State Federation of Labor et al.,

Appellants,

vs.

J. Tom Watson, as Attorney General of the State of Florida et al.

Appeal from the District Court of the United States for the Southern District of Florida.

448

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed, each party to pay his or its own costs in this Court.

IT IS FURTHER ORDERED that the motion of the Cigar Manufacturers' Association of Tampa to dismiss the appeal as to it be, and the same is hereby, granted.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court with directions to retain the bill pending the determination of proceedings in the state courts in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone.

Opinion by Mr. Justice Murphy dissenting in part.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Jacob Siegel Company, Petitioner, vs. Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

605

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

S. R. A., Inc., Petitioner, vs. State of Minnesota. 254

On writ of certiorari to the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

S. R. A., Inc., Petitioner, vs. State of Minnesota. 255

On writ of certiorari to the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Kennecott Copper Corporation, Petitioner,

424 vs.

State Tax Commission; and J. Lambert Gibson, Roscoe E. Hammond, Milton Twitchell, and Heber Bennion, Jr., Constituting said State Tax Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas and Mr. Justice Burton concur.

The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this case.

Silver King Coalition Mines Company, Petitioner,

425 vs.

State Tax Commission; and J. Lambert Gibson, Roscoe E. Hammond, Milton Twitchell, and Heber Bennion, Jr., Constituting said State Tax Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas and Mr. Justice Burton concur.

The Chief Justice and Mr. Justice Jackson took no part in the consideration or decision of this case.

Cherry Cotton Mills, Inc., Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

187

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Edward Macauley, Individually and as Acting Chairman of the United States Maritime Commission et al., Petitioners, vs. Waterman Steamship Corporation. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

435

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Douglas concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

528 vs.

S. Columbus Welch.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

529 vs.

John Burns et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

530 vs.

Fred Lollis et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

531 vs.

Arnold E. Bradshaw et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

532 vs.

Philip G. Rust et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, ex rel. Tennessee Valley Authority,

Petitioner,

533 vs.

Abraham Cole Hyatt et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Reed in which the Chief Justice joins.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

Gustafus V. Iversen, Edward Widmayer, P. J. Cancelmo et al., Appellants,

917 vs.

The United States of America, Interstate Commerce Commission et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Edward S. Fortune, Petitioner,

100, Misc. vs.

Colonel L. F. Verdel.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Earl W. Morse,

Petitioner,

101, Misc. vs.

Division of Correction of the Department of Public Safety of Illinois.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Vanderwater,

Petitioner,

102, Misc. vs.

City National Bank of Kankakee, Illinois, as Executor, etc.

ON CONSIDERATION of the application submitted herein by Richard Vanderwater,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Hallie M. Brubaker,

Petitioner.

103, Misc.

ON CONSIDERATION of the application submitted herein by Hallie M. Brubaker,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Richfield Oil Corporation,

Appellant,

864 vs.

State Board of Equalization.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration of this question.

United Federal Workers of America (CIO) et al.,

Appellants,

34 vs.

Harry B. Mitchell, Lucille Foster McMillin et al.

The order of January 2 restoring this case to the docket for re-argument before a full bench is vacated.

Per Mr. Chief Justice Stone.

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Edna W. Ballard and Donald Ballard, Order allowing certiorari.

Petitioners,

782 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Securities and Exchange Commission, Order allowing certiorari.

Petitioner,

843 vs.

W. J. Howey Company and Howey-in-the-Hills Service, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Order allowing certiorari.

Petitioner,

809 vs.

Robert Morss Lovett.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Order allowing certiorari.

Petitioner,

810 vs.

Goodwin B. Watson.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Order allowing certiorari.

Petitioner,

811 vs.

William E. Dodd, Jr.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania, Order allowing certiorari.

Petitioner,

892 vs.

The Electric Storage Battery Company, a Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pyramid Motor Freight Corporation, Order allowing certiorari.

Petitioner,

821 vs.

Murray Ispass, Max Granofsky, Harry Brownstein et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket and set for argument before a full bench immediately to follow No. 609.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Vanston Bondholders Protective Committee, Petitioner, vs. Louis A. Green et al. — Order allowing certiorari.

848

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Vanston Bondholders Protective Committee, Petitioner, vs. Carl B. Barly et al. — Order allowing certiorari.

849

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Vanhorn Bondholders Protective Committee, Petitioner, vs. Louis A. Green et al. — Order allowing certiorari.

850

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Vanhorn Bondholders Protective Committee, Petitioner, vs. Carl B. Marly et al. — Order allowing certiorari.

851

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

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Hugh Gant, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

784

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. H. Crain and R. E. Lee Wilson, Jr., Trustees of Lee Wilson & Company, a Business Trust,

Petitioners,

801 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Canadian River Gas Company,

Petitioner,

819 vs.

Joseph T. Higgins, Formerly United States Collector of Internal Revenue for the Third District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Hancock Mutual Life Insurance Company and Fidelity and Deposit Company of Maryland,

Petitioners,

822 vs.

Daniel F. Donovan, Collector of Taxes.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

La Societe Francaise de Bienfaisance Mutuelle (a Corporation),

Petitioner,

834 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mrs. C. D. Pierce, Trustee of the Estate of J. A. Kunkel, Bankrupt,

Petitioner,

841 vs.

J. A. Kunkel, B. F. Edwards, J. K. Ford, Jr. et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh,

Petitioner,

823 vs.

James R. Cardwell et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh,

Petitioner,

824 vs.

James R. Cardwell et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred E. Hummel, as Trustee in Bankruptcy of the Estate of Dorothea W. Huszagh,

Petitioner,

825 vs.

James R. Cardwell et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Leithold and Emily Leithold, Individually and as Co-Partners Trading as Custom Maid Brassiere Company,

Petitioners,

826 vs.

Paul A. Porter, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Royal Wayne Rea, Petitioner, vs. A. McDonald, Warden of the Federal Correctional Institution at Texarkana, Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

830

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

August Sorcey, Petitioner, vs. The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

837

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Maxfield and Hugh Wilton, Petitioners, vs. The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

839

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hugh Wilton and James Maxfield,
Petitioners,
840 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The State of Ohio, On Relation of Louis Morrey Greenstein,
Petitioner,
854 vs.
Honorable Joseph M. Clifford et al., as Judges of the Court of Common Pleas of Franklin County, Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Evans D. Gardner,
Petitioner,
863 vs.
Capital Transit Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert Behrens,

Petitioner,

876 vs.

Tom Smith, Superintendent, Washington State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Norman J. Sanford,

Petitioner,

877 vs.

Tom Smith, Superintendent, Washington State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Blanche Stanfield, Executrix of the Last Will and Testament of Lloyd B. Stanfield, Deceased,

Petitioner,

888 vs.

The Paul Revere Life Insurance Company, Worcester, Massachusetts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Massachusetts Mutual Life Insurance Company,

Petitioner,

802 vs.

Securities and Exchange Commission and the Laclede Gas Light Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Guaranty Trust Company of New York, Trustee, etc. et al.,

Petitioners,

831 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Guaranty Trust Company of New York, Trustee, etc. et al.

Petitioners,

832 vs.

Standard Gas and Electric Company and Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Guaranty Trust Company of New York, Trustee, etc. et al.,

Petitioners,

833 vs.

Standard Gas and Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

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Leroy Odom,

Petitioner,

606 vs.

The United States of America.

O R D E R

ON PETITION FOR WRIT OF CERTIORARI to the United States Circuit Court of Appeals for the Fifth Circuit.

IT IS ORDERED by this Court that the order of March 11, 1946, granting the petition for writ of certiorari in this case be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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Leroy Odom,

Petitioner,

606 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Delbert L. Quick and John J. Berry,

Petitioners,

677 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edmond L. Viles, Petitioner, vs. The Prudential Insurance Company of America, a Corporation.

767

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph A. Farrell, Petitioner, vs. Commonwealth of Massachusetts.

796

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Anthony Adams, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

844

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Jasper Gibilterra,
Petitioner,
846 vs.
W. C. Parker, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Percy Arthur Whistler,
847 Petitioner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Riley Simmons,
Petitioner,
855 vs.
Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Russo, Petitioner,

856 vs.

Francis C. Shaw, M.D., Director, Dannemora State Hospital, Dannemora, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Neeley, Petitioner,

858 vs.

W. C. Parker, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clifford Webb, Petitioner,

859 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Rock Island County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifford Webb,

Petitioner,

860 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Curtis L. Brown,

Petitioner,

577 vs.

Nathan Mayo, State Prison Custodian of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, dismissed, it appearing that the petitioner is no longer in the custody of the respondent.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Chesteen McConnell,

Petitioner,

94, Misc. vs.

Alfred P. Dowd, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

All Service Laundry Corporation,

Petitioner,

350 vs.

Lillian Maud Phillips, as Administratrix of the Goods, Chattels and Credits of Clifford R. Phillips, Deceased et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Florence B. Bigelow, Marion B. Koerber, John E. Bloom, et al.,

Petitioners,

444 vs.

RKO Radio Pictures, Inc., Loew's, Incorporated, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hugh Greer Carruthers,

Petitioner,

763 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David Elmer Hartshorn,

Appellant,

817 vs.

Robert X. Kuzmier and Richard C. Cotter.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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E. E. Ashcraft and John Ware,

Petitioners,

381 vs.

State of Tennessee.

A petition for rehearing having been filed in this case by John Ware,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The United States of America,

Petitioner,

77 vs.

Petty Motor Company;

The United States of America,

Petitioner,

78 vs.

Merrill J. Brockbank, Doing Business as Brockbank Apparel Co.;

The United States of America,

Petitioner,

79 vs.

William G. Grimsdell, Doing Business as Grocer Printing Co.;

The United States of America,

Petitioner,

80 vs.

Charles F. Wiggs, Doing Business as Chicago Flexible Shaft Co.;

The United States of America,

Petitioner,

81 vs.

Independent Pneumatic Tool Company;

The United States of America,

Petitioner,

82 vs.

The Gallgher Company; and

The United States of America,

Petitioner,

83 vs.

Gray-Cannon Lumber Company.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Frankfurter and Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mollie Eagle,

Petitioner,

706 vs.

Benjamin Cherney and Samuel H. Berger.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case and of the second petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Elbert Lawrence,

Petitioner,

188 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to file a sixth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, April 1, until Monday, April 22, next.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Gilbert E. Thiel,

Petitioner,

349 vs.

Southern Pacific Company.

Argued by Mr. Allen Spivock for the petitioner and by Mr. Arthur B. Dunne for the respondent.

Burton-Sutton Oil Company, Incorporated,

Petitioner,

361 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Norman P. Anderson for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Robert H. Purl, Esquire, of Georgetown, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Alvin J. Ragan, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that George H. Wikle, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Paul Stewart, It is ordered that Byron E. Harkey, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Alexander MacIntyre, It is ordered that Kathryne Leonard MacIntyre, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Raymond J. Mawhinney, It is ordered that George M. Robillard, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund D. Campbell, It is ordered that Bruce P. Woodruff, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bennett Boskey, It is ordered that Orien Carlysle McCandless, Esquire, of New York, State of New York; John T. Connor, Esquire, of Washington, District of Columbia; and James D. Heldt, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irvin Goldstein, It is ordered that Henry K. Chapman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that John Clark Bills, Jr., Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolph Magidson, It is ordered that H. Alexander Smith, Jr., Esquire, of Elkridge, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Granville Burke, It is ordered that Newton Marr Miller, Esquire, of Monmouth, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Allen Weil, It is ordered that Richard W. Oliver, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Stephens, It is ordered that Frank P. Meaton, Esquire, of Detroit, State of Michigan, and Rene Paul Henry III, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Riley Campbell, It is ordered that Ralph A. Yoo, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that James B. Sayers, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and James Lawrence White, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Wyatt, It is ordered that Mason G. Hassel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry M. Plotkin, It is ordered that Philip Bergson, Esquire, of Needham, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Knowles Congdon, Jr., It is ordered that Douglas Stuart Moore, Esquire, of New York, State of New York; Edward Roberts, Esquire, of Youngstown, State of Ohio; and Richard R. Hanna, Esquire, of Yerington, State of Nevada, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel E. Richards, It is ordered that Osmond Grady Williamson, Esquire, of Bay City, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon K. MacIntosh, It is ordered that Tibo J. Chavez, Esquire, of Belen, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Cooney, It is ordered that Jess D. Weir, Esquire, of Las Cruces, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Donworth, It is ordered that Lightner Smith, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Burton-Sutton Oil Company, Incorporated,

Petitioner,

361 vs.

Commissioner of Internal Revenue.

Argument of case suspended due to illness of counsel.

El Dorado Oil Works and El Dorado Terminal Company,

Appellants,

428 vs.

The United States of America, Interstate Commerce Commission, General American Transportation Corporation, et al.

Argued by Mr. W. F. Williamson for the appellants, by Mr. Daniel W. Knowlton for appellees, The United States and Interstate Commerce Commission, and by Mr. Allan P. Matthew for appellee, General American Transportation Corporation.

The United States of America,

Appellant,

447 vs.

Sheldon Maurice Anderson.

Argued by Mr. Nathan T. Elliff for the appellant. No appearance for the appellee.

Verna Mae Bihn,

Petitioner,

675 vs.

The United States of America.

Argued by Mr. Henry K. Chapman for the petitioner and by Mr. John J. Cooney for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Louis W. Goodkind, It is ordered that Sherman Osgood Morris, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Richard H. Mosier, Esquire, of Hammond, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Dennis Flanagan, It is ordered that Robert H. Cunningham, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Irving Baynton, It is ordered that James C. Kennedy, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Ralph D. Dieterle, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Oates Woods, It is ordered that William Howard Baier, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Green Rayner Caillard, It is ordered that Tally D. Riddell, Esquire, of Meridian, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Darius P. Prince, It is ordered that John S. Beard, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred K. Cherry, It is ordered that Robert M. Brome, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Darius P. Prince, It is ordered that John H. Ritter, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Putman Dinsmore, It is ordered that Thomas F. Manby, Esquire, of LaGrange, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Murray Winters,

Appellant,

636 vs.

The People of the State of New York.

Argued by Mr. Arthur N. Seiff and Mr. Emanuel Redfield for the appellant and by Mr. Whitman Knapp for the appellee.

Irene Morgan,

Appellant,

704 vs.

Commonwealth of Virginia.

Argued by Mr. Thurgood Marshall and Mr. William H. Hastie for the appellant and by Mr. Abram P. Staples for the appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. James W. Huffman, It is ordered that Donald Frederick Smith, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Douglas Leo Paterson, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Hilton Jackson, It is ordered that Clay S. Crouse, Esquire, of Beckley, State of West Virginia, and Grover C. Trail, Esquire, of Beckley, State of West Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Robert Dranow, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Wozencraft, It is ordered that William G. Fennell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Greaney, It is ordered that Charles Robert Morkery, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Miller Kidner, It is ordered that Paul M. Mitchell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger A. Fortuna, It is ordered that Joseph A. Santry, Esquire, of Little Falls, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold M. Marsh, It is ordered that Owen Brewster, Esquire, of Dexter, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Lavender, It is ordered that Edward M. Dhealy, Esquire, of Missoula, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Galvin Griffin, It is ordered that David I. Shivitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that William H. Stevenson, Esquire, of La Crosse, State of Wisconsin, and Oscar J. Schmiege, Esquire, of Appleton, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Henry J. Crawford, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Owen Brewster, It is ordered that Charles Foss Brewster, Esquire, of Dexter, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Burton-Sutton Oil Company, Incorporated,

Petitioner,

361 vs.

Commissioner of Internal Revenue.

Argument resumed and concluded by Mr. Norman F. Anderson for the petitioner and case submitted by Mr. Solicitor General McGrath, Mr. Acting Assistant Attorney General Key, Miss Helen R. Carloss, and Mr. Hilbert P. Zarky for the respondent.

Queenside Hills Realty Co., Inc.,

Appellant,

769 vs.

T. Newton Saxl, As Commissioner of Housing and Buildings of the City of New York.

Argued by Mr. George G. Lake for the appellant and by Mr. Edward G. Griffin for the appellee.

People of the State of Illinois ex rel.
Robert L. Gordon, Director of Labor,

Petitioner,

749 vs.

The United States of America.

Argued by Mr. Albert E. Hallett for the petitioner and by Mr. J. Louis Monarch for the respondent.

People of the State of Illinois ex rel.
Robert L. Gordon, Director of Labor,

Petitioner,

750 vs.

Nigal D. Campbell, Collector of Internal Revenue.

Argued by Mr. Albert E. Hallett for the petitioner and by Mr. J. Louis Monarch for the respondent.

Paul Knauer,

Petitioner,

510 vs.

The United States of America.

Argument commenced by Mr. Ode L. Rankin for the petitioner and continued by Mr. Frederick Bernays Wiener for the respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Robert S. Miller, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Joseph Forer, Esquire, of Washington, District of Columbia, and Milton Klein, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl P. Morris, It is ordered that Tom J. Mays, Esquire, of Atlanta, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick W. Smith, It is ordered that George Selwyn Swarth, Esquire, of San Pedro, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Donald C. Cook, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard Naum, It is ordered that Samuel Markowitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Joseph Kearney, It is ordered that William J. Syring, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Burkhalter, It is ordered that Colvin P. Rouse, Esquire, of Versailles, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Paul Knauer,

Petitioner,

510 vs.

The United States of America.

Argument continued by Mr. Frederick Bernays Wiener for the respondent and concluded by Mr. Ode L. Rankin for the petitioner.

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Proclamation being made the Court is adjourned until Monday, April 1, next,

MONDAY, APRIL 1, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. William Chapman Revercomb, It is ordered that Howard W. Friedrichs, Esquire, of Wheeling, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Stigler, It is ordered that Napoleon B. Johnson, Esquire, of Claremore, State of Oklahoma, and Ben Dwight, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Paul Stewart, It is ordered that Logan E. Hysmith, Esquire, of Wilburton, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Bankhead, 2nd, It is ordered that Jesse Kilgore Brockman, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair Engle, It is ordered that John L. Larue, Esquire, of Grass Valley, State of California; Philip Goodman, Esquire, of South Gate, State of California; and Stanley Mosk, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that Lee Aloysius Gaukler, Esquire, of Davenport, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Mascolo, It is ordered that Joseph E. Talbot, Esquire, of Naugatuck, State of Connecticut; Francis B. Pooley, Esquire, of Waterbury, State of Connecticut; and Stephen K. Elliott, Esquire, of Southington, State of Connecticut, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eliot C. Lovett, It is ordered that Francis Bruce McMullen, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Edward F. Prichard, Jr., Esquire, of Lexington, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest C. Dickson, It is ordered that Fredric Charles Carter, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that William Farmer Ward, Esquire, of Chicago, State of

Illinois, and James P. Connally, Esquire, of Peabody, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Patton, It is ordered that Paul R. Carr, Esquire, of Warwick, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Hugh Sproul, It is ordered that William Jordan, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving Hill, It is ordered that M. Joseph Ross, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Hill, Jr., It is ordered that Arthur R. Hall, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl I. Harwood, It is ordered that Maurice Jud Harwood, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas L. Preston, It is ordered that T. Richard McGough, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Brecht Hanback, It is ordered that Albert S. Gerstein, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Robertson Clagett, It is ordered that Walter E. Hooper, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry B. Weaver, Jr., It is ordered that Richards D. Maxwell, Jr., Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin S. Phillips, It is ordered that Forrest A. Hainline, Jr., Esquire, of Rock Island, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Graham Claytor, Jr., It is ordered that Paul N. McCarron, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Kueffner, It is ordered that James R. McClure, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Harry Crowell, It is ordered that Selden A. Blumenfeld, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Bistline, It is ordered that Randolph Jennings Seifert, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis P. Frick, It is ordered that Ralph A. Potts, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus Gilbert Poole, It is ordered that Tyrrell M. Ingersoll, Esquire, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Carl B. Williams, Petitioner, vs. The United States of America. 123

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Arizona for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Burton.

Mr. Justice Rutledge concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The North American Company, Petitioner, vs. Securities and Exchange Commission. 1

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Arthur L. Bell, Individually and as an Associate of and Division Superintendent of "Mankind United," etc., et al.,

Petitioners,

344 vs.

R. B. Hood, Theodore Cruise, Philip Bowser, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Chief Justice Stone and Mr. Justice Burton.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

Congress of Industrial Organizations, Florida State Industrial Union Council, et al.,

Appellants,

728 vs.

J. Tom Watson, as Attorney General of the State of Florida et al.

Appeal from the District Court of the United States for the Southern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, it is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed, each party to pay his or its own costs in this Court.

It is further ordered that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity to the opinion of this Court in the case of American Federation of Labor et al. vs. J. Tom Watson, Attorney General of the State of Florida et al., No. 448, October Term, 1945, announced March 25, 1946.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Unemployment Compensation Commission of the Territory of Alaska et al.,

Petitioners,

309 vs.

Frank L. Aragan and Other Applicants, Members of Alaska Cannery Workers Union Local No. 5, et al.; and

The United States,

Petitioner,

387 vs.

Alcea Band of Tillamooks et al.

Those cases are restored to the docket for reargument before a full bench.

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The following orders were not announced orally by the Chief Justice but appear on the list certified by him and filed with the Clerk:

Everett Ross,

Petitioner,

96, Misc. vs.

People of the State of New York.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Phillips,

Petitioner,

105, Misc. vs.

People of the State of New York.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louie V. Caumitz,

Petitioner,

108, Misc. vs.

Luke F. Murphy, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert Lane,

Petitioner,

106, Misc. vs.

C. S. Metropolitan Market Company et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dorsey W. McMahan,

Petitioner,

107, Misc. vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, Order allowing certiorari.

Petitioner,

630 vs.

Thomas Lee Causby and Wife, Tinie Causby.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Abraham Fishgold, Order allowing certiorari.

Petitioner,

970 vs.

Sullivan Drydock & Repair Corporation et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The Solicitor General is requested to file a brief amicus curiae.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Barney E. Gaskill et al., On petition for writ of certiorari to the

Petitioners, United States Circuit Court of Appeals

693 vs. for the Eighth Circuit.

Claude A. Roth, Trustee of the Property of The Chicago & North Western Railway Company et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is

ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John S. Gallois, Executor, and Jeanne G. Hill, Executrix of the Estate of Margaret P. Gallois, Deceased, Petitioners, vs. Commissioner of Internal Revenue. 835

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Nellie C. Bostwick et al., Petitioners, vs. Baldwin Drainage District et al. 838

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank Andrews, Petitioner, vs. The State of Ohio. 874

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Tucson Gas, Electric Light and Power Company, Petitioner, vs. City of Tucson. 875

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Washington and Equitable Life Insurance Company of Iowa, Petitioners, vs. Maricopa County et al., etc. 878

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Magnolia Petroleum Company,
Petitioner,
879 vs.
W. A. Thomas, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry J. Alker, Jr. and Mamie Du Ban, Individually and As Executrix of the Estate of Alfred A. Du Ban, Deceased,
Petitioners,
880 vs.
Federal Deposit Insurance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jack A. Bell,
Petitioner,
881 vs.
Michael F. Mulcahy, Sheriff of Cook County, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Memolo,

Petitioner,

890 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph E. Chapman, Jr., H. C. Smith, W. E. Swinson et al.,

Petitioners,

1003 vs.

Primus E. King.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The People of the State of New York ex rel. Harvey Bistany,

Petitioner,

vs.

813

John F. Foster, Warden, Auburn State Prison, Auburn, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ramon Toledo,

Petitioner,

vs.

861

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Austin E. Hardwick,

Petitioner,

vs.

865

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is

hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Emilio Castiglione, Petitioner,
866 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roland Barron, Petitioner,
867 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Wilson, Petitioner, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

868

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James B. Keene, Petitioner, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

869

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Everett Ross, Petitioner, vs. Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

872

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Peter Branic, Petitioner,

882 vs.

Wheeling Steel Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest Tait, Petitioner,

895 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter W. Higgins, Petitioner,

896 vs.

W. C. Parker, Warden, Missouri State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Luther Sain,
Petitioner,
897 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

L. D. Hughes,
Petitioner,
901 vs.
State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles F. Zitting, Arnold Boss, Morris Q. Kunz and Louis A. Kelsch,
Petitioners,
903 vs.
S. Grant Young, Sheriff of Salt Lake County, or His Deputies.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andrew Johnson, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

905

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William F. Krell, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary.

906

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Francis Haines, Petitioner, vs. Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

923

On petition for writ of certiorari to the Circuit Court of Randolph County,

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles A. Anderson, Otherwise called Michael O'Malley,

Petitioner,

924 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dewey White,

Petitioner,

937 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

LeRoy Wheeler,

Petitioner,

938 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Florida ex rel. Leo Bailey, Petitioner,

993 vs.

Dan L. Brock, Sheriff of Washington County, Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William B. Wells, Petitioner,

862 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Dr. Tom H. Robertson, M. D., Petitioner,

640 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sylvester Andrews,

Petitioner,

710 vs.

Mallory C. Atkinson, Judge of the Superior Court.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Capitol Wine and Spirit Corporation,

Petitioner,

721 vs.

Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Ross Wagner,

Petitioner,

806 vs.

Joseph E. Ragen, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred E. Hummel, as Trustee in Bankruptcy
of the Estate of Dorothea W. Huszagh,

Petitioner,

823 vs.

James R. Cardwell et al.;

Fred E. Hummel, as Trustee in Bankruptcy
of the Estate of Dorothea W. Huszagh,

Petitioner,

824 vs.

James R. Cardwell et al.; and

Fred E. Hummel, as Trustee in Bankruptcy
of the Estate of Dorothea W. Huszagh,

Petitioner,

825 vs.

James R. Cardwell et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hugh Greer Carruthers,

Petitioner,

763 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made the Court is adjourned until Monday, April 22, next, at 12 o'clock.

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Taze Hamrick Gibson, Petitioner, vs. The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

221

Upon consideration of the application of counsel for the petitioner in the above entitled cause for the release of petitioner from custody on bail;

IT IS ORDERED nunc pro tunc as of April 1, 1946, that Taze Hamrick Gibson, the petitioner herein be released from custody and admitted to bail pending the consideration and decision of this Court in this case. Provided, however, that the petitioner, Taze Hamrick Gibson, execute and file with the Clerk of this Court bond, with good and sufficient surety or sureties, in the lawful sum and amount of two thousand dollars ($2,000), conditioned to provide for the full and prompt compliance by the said Taze Hamrick Gibson with the orders and judgment of this Court. The said bond to run to the United States of America and to be approved by the Honorable Wiley Rutledge, Associate Justice of the Supreme Court of the United States. When the bond specified herein is approved and filed with the Clerk of this Court, but not before, the petitioner, Taze Hamrick Gibson, shall be enlarged on bail to the extent and subject to the conditions provided in this order and such further order or orders as may be entered by this Court in this cause.

Per Mr. Chief Justice Stone.

Dated: April 3, 1946.

MONDAY, APRIL 14, 1941.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that John F. Sonnett, Esquire, of New York, State of New York; Bert W. Levit, Esquire, of San Francisco, State of California; Stanley M. Silverberg, Esquire, of New York, State of New York; Maurice P. Wolk, Esquire, of Minneapolis, State of Minnesota; James F. Sullivan, Esquire, of Boston, Commonwealth of Massachusetts; and Mary A. MacDonald, of Cambridge, Commonwealth of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John Sparkman, It is ordered that John S. Tucker, Jr., Esquire, of Birmingham, State of Alabama, and Berthold B. Fraker, Esquire, of Greeneville, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Ira L. Bowsher, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that J. H. Patricoff, Esquire, of Dayton, State of Ohio; Herbert M. Eikenbary, Esquire, of Dayton, State of Ohio; and William D. Deakins, Jr., Esquire, of Houston, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest R. Feidler, It is ordered that John Wilson Hood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Bessie Margolin, It is ordered that Flora G. Chudson, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Sylvanus George Felix, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Walter Samuel Lindsley, Jr., Esquire, of Union, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Creighton Wines, It is ordered that Alvin Glen Hubbard, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Donelan, It is ordered that George Lieberman, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur B. Hanson, It is ordered that John L. Nourse, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Delmar W. Holloman, It is ordered that Joseph Lyons Broderick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that I. S. Simmons, Esquire, of Fort Smith, State of Arkansas, and D. L. Grace, Esquire, of Fort Smith, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Kent Van Allen, It is ordered that Sherrill Halbert, Esquire, of Modesto, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Davison, Jr., It is ordered that Jerome James Doherty, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Edward Williams, It is ordered that Howard O. Sigmond, Esquire, of Crawfordsville, State of Indiana, and Clifford R. Stearns, Esquire, of Princeton, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Miller, It is ordered that Frederick R. Tansill, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Albert Copaken, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that Gerald L. Gore, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard A. Goldberg, It is ordered that Martin William Robinson, Esquire, of New York, State of New York, and Harold Newton, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham Tunick, It is ordered that Irwin Richard Powers, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John O'Dea, It is ordered that William C. Martin, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that Ignatius Jerome O'Connor, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Quinn Shaughnessy, It is ordered that Charles T. Balcoff, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Tilzer, It is ordered that Gertrude Tetelman, of New York, State of New York, and Louis L. Tetelman, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Miss)

On motion first made to the Court in this behalf by Mr. Joseph A. Fanelli, It is ordered that Hoch Reid, Esquire, of New York, State of New Yor be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Spiess, It is ordered that Edwin Hall, 2nd, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and Harry J. Alker, Jr., Esquire, of Norristown, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that B. A. Green, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"With deep regret I announce the death, at her residence in the city of Washington, on Thursday, April 4, during the recess of this Court, of Mrs. Rosamond L. Sutherland, the widow of the late Justice Sutherland."

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Seas Shipping Company, Inc., Petitioner, vs. Joseph Sieracki. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

365

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter and Mr. Justice Burton join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

James Louis Girouard, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

572

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed and Mr. Justice Frankfurter join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Queenside Hills Realty Co., Inc., Appellant, vs. T. Newton Saxl, as Commissioner of Housing and Buildings of the City of New York.

769

Appeal from the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Mr. Justice Rutledge concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Utah Junk Company, Petitioner, vs. Paul A. Porter, Price Administrator.

400

On writ of certiorari to the United States Emergency Court of Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Emergency Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Emergency Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Christine Collins, A. J. Cummins, Yancey Lee Cummins and Edward J. Miller,

Petitioners,

393 vs.

Paul A. Porter, Price Administrator.

On writ of certiorari to the United States Emergency Court of Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Emergency Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Emergency Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Thomas Paper Stock Company et al.,

Petitioners,

67 vs.

Paul A. Porter, Price Administrator.

On writ of certiorari to the United States Emergency Court of Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Emergency Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed in view of the disposition of case No. 578.

Per Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Thomas Paper Stock Company et al., Petitioners, vs. Paul A. Porter, Price Administrator.

578

On writ of certiorari to the United States Emergency Court of Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Emergency Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Emergency Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Burton-Sutton Oil Company, Incorporated, Petitioner, vs. Commissioner of Internal Revenue.

361

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

People of the State of Illinois, ex rel. Robert L. Gordon, Director of Labor,

Petitioner,

749 vs.

The United States of America.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

El Dorado Oil Works and El Dorado Terminal Company,

Appellants,

428 vs.

The United States of America, Interstate Commerce Commission, General American Transportation Corporation et al.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court dismissing the complaint in this cause be, and the same is hereby, affirmed, but on the ground that the order of the Interstate Commerce Commission is valid, and that the appellants were consequently not entitled to the relief prayed for.

Per Mr. Justice Black.

Opinion by Mr. Justice Douglas dissenting in part.

Mr. Justice Jackson took no part in the consideration or decision of this case.

M. E. Heiser, Petitioner, vs. Willie Mae Woodruff et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

496

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, vs. Judge Eugene Rice, District Judge for the Eastern District of Oklahoma. — On a certificate from the United States Circuit Court of Appeals for the Tenth Circuit.

411

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the question certified must be answered "No". The motion of the United States to bring up the entire record is denied.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Rutledge concur.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Charles Swanson, Petitioner, vs. Marra Brothers, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

405

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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Mr. Justice Black announced the following orders of the Court:

City and County of Denver, a Municipal Corporation, Appellant, vs. William T. McGlone and Continental Casualty Company. — Appeal from the Supreme Court of the State of Colorado.

984

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Roy Alton Helwig,

Petitioner,

592 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Roy Alton Helwig, Order allowing certiorari.

Petitioner,

592 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy Alton Helwig, On writ of certiorari to the United States

Petitioner, Circuit Court of Appeals for the Sixth

592 vs. Circuit.

The United States of America.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the

judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals with directions to require the District Court to perfect the record.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The United States of America,

Complainant,

12, Orig. vs.

The State of California.

Pending disposition of the motion to strike the answer, the Attorney General of the State of California is requested to file with the Clerk on or before May 2 next, and serve upon the Attorney General of the United States, a copy of a succinct statement, without argument or statement of evidence, of the several propositions of law and fact, separately stated and enumerated, which he deems to have been placed in issue by the answer filed in behalf of the State.

Per Mr. Chief Justice Stone.

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ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 970, and that the Court will then take a recess until Monday, May 6.

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The following orders were not announced orally by Mr. Justice Bla but appear on the list certified and filed with the Clerk:

Cecil I. Hust,

Petitioner,

625 vs.

Moore-McCormack Lines, Inc.

ON CONSIDERATION of the motion of the National Organization Marin Engineers Beneficial Association et al. for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

In the Matter of O'Neal Massey,

Petitioner.

109, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edwin Tompsett,

Petitioner,

110, Misc. vs.

Frank D. Henderson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of William Kemmerer,

Petitioner,

111, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis David Young,

Petitioner,

112, Misc. vs.

Joseph W. Sanford, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dorsey McMahan,

Petitioner,

113, Misc. vs.

Rubey M. Hulen, Judge, U. S. District Court, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dorsey McMahan,

Petitioner,

114, Misc. vs.

James V. Bennett, Director, Bureau of Prisons.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The United States of America and Interstate Commerce Commission,

Appellants,

959 vs.

Seatrain Lines, Inc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this question.

Bethlehem Steel Company et al.,

Appellants,

941 vs.

New York State Labor Relations Board.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is consolidated with No. 1048, Allegheny Ludlum Steel Corporation vs. Kelley

et al. for argument. The Solicitor General of the United States is requested to file a brief as amicus curiae and, if so advised, to participate in the oral argument.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

The Allegheny Ludlum Steel Corporation,

Appellant,

1048 vs.

William J. Kelley and H. Myron Lewis,
Constituting the State Labor Relations
Board of the State of New York.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is consolidated with No. 941, Bethlehem Steel Company et al. vs. New York State Labor Relations Board for argument. The Solicitor General of the United States is requested to file a brief as amicus curiae and, if so advised, to participate in the oral argument.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Lazarus Joseph, Comptroller of the City
of New York, et al.,

Petitioners,

518 vs.

Carter & Weekes Stevedoring Company;

Lazarus Joseph, Comptroller of the City
of New York, et al.,

Petitioners,

519 vs.

John T. Clark & Son;

The Order of United Commercial Travelers of America,

Petitioner,

556 vs.

Edward C. Wolfe;

Murray Winters,

Appellant,

636 vs.

The People of the State of New York; and

People of the State of Illinois ex rel. Robert L. Gordon, Director of Labor,

Petitioner,

750 vs.

Nigal D. Campbell, Collector of Internal Revenue.

These cases are restored to the docket and assigned for reargument before a full bench.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Order allowing certiorari.

Petitioner,

786 vs.

Donnelly Garment Company, Donnelly Garment Workers' Union et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

International Ladies' Garment Workers Union, Order allowing certiorari.

Petitioner,

787 vs.

Donnelly Garment Company, Donnelly Garment Workers' Union and National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

812 vs.

Iska W. Carmack.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ferdinand Fiswick, Jacob F. Mayer and Fritz Gustav Rudolph, Order allowing certiorari.

Petitioners,

909 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, Petitioner,

vs.

Joseph Ruzicka and Charles Ruzicka, Individually, and as Co-Partners Trading as Seeley Dairy.

920

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Order of Railway Conductors of America, H. W. Fraser, President, et al., Petitioners,

vs.

O. E. Swan et al.

968

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

P. J. Williams, William Bishop, Paul M. Carter et al., etc., — Order allowing certiorari.

Petitioners,

969 vs.

O. E. Swan et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Federal Communications Commission, — Order allowing certiorari.

Petitioner,

972 vs.

W O K O, Incorporated.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States, — Order allowing certiorari.

Petitioner,

902 vs.

The Howard P. Foley Company, Inc.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

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Fred Reynolds and John Percy Reynolds, Petitioners,
852 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Upchurch Packing Company, Inc., Petitioner,
871 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alaska Pacific Consolidated Mining Company, Petitioner,
884 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

The Federal National Bank of Shawnee, Oklahoma,

Petitioner,

899 vs.

The Continental Supply Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul H. Smart,

Petitioner,

912 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Civiletti,

Petitioner,

913 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

915 vs.

Petterson Lighterage & Towing Corporation et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Merando, Trading as Merando Company,

Petitioner,

954 vs.

Joseph Mathy and John Mathy, Co-Partners, Trading as The Mathy Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Autocar Sales and Service Company,

Petitioner,

967 vs.

A. G. Leonard et al., Not as Individuals, But as Trustees of The Central Manufacturing District.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Julian Lentin, Doing Business as J. Lentin Lumber Company,

Petitioner,

805 vs.

Paul A. Porter, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Estate of R. A. Sewell, Josephine M. Sewell, Executrix,

Petitioner,

889 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Arrow Packing Corporation and George Newman,

Petitioners,

904 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Board of County Commissioners of Marshall County, State of Oklahoma, et al.,

Petitioners,

919 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

O. S. Harper,

Petitioner,

922 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Modern Products Supply Company,

Petitioner,

935 vs.

Richard E. Draschenberg.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John P. McGrath and Joseph O'Connor, Trustees in Reorganization of Long Island University, and Long Island University, Debtor,

Petitioners,

953 vs.

Frank Fox.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stanley Taylor and Evelyn Flynn,

Petitioners,

870 vs.

Paul A. Porter, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wichita Coca-Cola Bottling Company,

Petitioner,

921 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

T. P. Cannon et al., Petitioners,

940 vs.

James E. Parker et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Merritt I. Edner, Trustee in Bankruptcy of George H. Lum, a Bankrupt, Petitioner,

944 vs.

Jenny R. Mathews, Executrix of the Estate of George B. Mathews, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Merritt Edner, Trustee in Bankruptcy of George H. Lum, a Bankrupt, Petitioner,

945 vs.

Massachusetts Mutual Life Insurance Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Clarence Furton et al.,

Petitioners,

960 vs.

F. Ryan Duffy, Judge of the United States District Court for the Eastern District of Wisconsin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herbert L. Stern,

Petitioner,

966 vs.

Carter H. Harrison, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George S. Allen, Trustee of the Estate of Ash Truck Lines, Inc.,

Petitioner,

977 vs.

Union Transfer Company, Doing Business as Union Freightways.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elias Brailas,

Petitioner,

1002 vs.

Shepard Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Samuel Perlstein,

Petitioner,

629 vs.

William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Samuel Perlstein,

Petitioner,

629 vs.

William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylvania.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ernest B. Williams, Petitioner, vs. Dr. Winfred Overholser, Superintendent, St. Elizabeth's Hospital.

699

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James McGregor, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

740

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Greco,

Petitioner,

755 vs.

W. C. Parker, Warden, Missouri State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lawrence E. Cook,

Petitioner,

853 vs.

Ralph Howard, as Warden of the Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Knight,

Petitioner,

883 vs.

The State of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

George B. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased,

Petitioner,

885 vs.

John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

O. A. Shaver,

Petitioner,

893 vs.

Fidelity Bankers Trust Company, Successors Trustee Under the Last Will of Daniel Briscoe, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Gray and Dora Stuart Gray,

Petitioners,

898 vs.

Arthur Bracey and Adelaide Bracey.

On petition for writ of certiorari to the District Court of Appeal, Third Appellate District, State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby,

granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Douglass, Petitioner,
936 vs.
State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Amos Dale, Petitioner,
949 vs.
People of the State of California and Robert A. Heinze, Warden, State Prison at Folsom, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Singer, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

962

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Wegrzyn, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

964

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Brill, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

965

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby,

granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Bartell,
Petitioner,
vs.
Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

980

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Buchalter,
Petitioner,
vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

991

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John A. Beckley,

Petitioner,

992 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Peter Ristich,

Petitioner,

1025 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Emilio Castiglione,

Petitioner,

1026 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alonzo Pridgen, Petitioner, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1027

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Royal Provost, Petitioner, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1028

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Harris, Petitioner, vs. The People of the State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1029

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Tom Collins,
Petitioner,
vs.
Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

1030

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert Baker,
Petitioner,
vs.
L. F. Utecht, Warden of the State Prison of Minnesota.

1031

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David Marr,
Petitioner,
vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1036

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Morris, Petitioner,

1038 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kenneth Rucker, Petitioner,

1039 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Skinner, Petitioner,

1044 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter Davidson, Petitioner,
1046 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Webb, Petitioner,
1054 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy Judd, Petitioner,
1057 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eddie Duncan, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1058

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Donald L. Skene, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1059

On petition for writ of certiorari to the Circuit Court of Kane County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Wright, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1060

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ralph Walter Fehrer, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1061

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wallace Thompson, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1062

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifford Farris, Petitioner, vs. People of the State of Illinois.

1063

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Ely, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1064

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lester Barnard, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

1072

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lawrence Fog, Petitioner, vs. The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1082

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Emilio Castiglione,
Petitioner,
1083 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter Fowler,
Petitioner,
963 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles O'Neil,
Petitioner,
985 vs.
Cornelius J. Burke, Warden, Eastern State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision

Oliver James,

Petitioner,

1045 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Trombley,

Petitioner,

1066 vs.

People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Grierson,

Petitioner,

658 vs.

Stanley P. Ashe, Warden, etc., et al.; and

James Grierson,

Petitioner,

659 vs.

Stanley P. Ashe, Warden, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Spensky,

Petitioner,

743 vs.

Stanley P. Ashe, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph A. Farrell,

Petitioner,

796 vs.

Commonwealth of Massachusetts.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Royal Wayne Rea,

Petitioner,

830 vs.

A. McDonald, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Percy Arthur Whistler,

Petitioner.

847

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gustafus V. Iversen, Edward Widmayer,
P. J. Cancelmo et al.,

Appellants,

917 vs.

The United States of America,
Interstate Commerce Commission
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chesteen McConnell,

Petitioner,

94, Misc. vs.

Alfred F. Dowd, Warden, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cecil L. Wright,

Petitioner,

383 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herbert M. Gregory,

Petitioner,

112 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a fourth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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The United States of America,

Complainant,

12, Original vs.

The State of California.

ON CONSIDERATION of the motion of Mr. Archibald M. Jordan for leave to file brief as amicus curiae in this case on behalf of Lawrence Wards Island Realty Company,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Cecil I. Hust,

Petitioner,

625 vs.

Moore-McCormack Lines, Inc.

Argument commenced by Mr. B. A. Green for the petitioner and continued by Mr. Erskine Wood for the respondent.

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TUESDAY, APRIL 23, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Mr. Justice Black said:

"Yesterday Chief Justice Harlan F. Stone passed away. His kindliness and courtesy endeared him to all of his brethren on the Court. His achievements as a lawyer won for him the respect and confidence of the American Bar. His distinguished service to this Court and to our country earned for him a high place in the affection and admiration of all the people of the Nation. Funeral ceremonies will be conducted at the Washington Cathedral Thursday at 2 P.M. Out of respect to his memory this Court will now recess until Monday, April 29, at 12 noon."

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Proclamation being made the Court is adjourned until Monday, April 29, next.

MONDAY, APRIL 22, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Ralph E. Church, It is ordered that Allen D. Holloway, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that I. R. Kelso, Esquire, of Cape Girardeau, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that Byron George Shelton, Esquire, of Temple, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Emerson Hopp, Esquire, of Saint Peter, State of Minnesota; Bernard S. Golawski, Esquire, of Cleveland, State of Ohio; Stanton H. Prentiss, Esquire, of Aledo, State of Illinois; and Harry Morrison, Esquire, of Crawfordville, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Charles M. Nisen, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Temple W. Scay, It is ordered that William Henry Arthur, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Kane, It is ordered that Lucien Hilmer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Otis B. Bosworth, Esquire, of Cleveland, State of Ohio, and James Arthur Gleason, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilson L. Townsend, It is ordered that Murray Sargent, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. G. Morison, It is ordered that Walker W. Lowry, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman S. Altman, It is ordered that Sydney A. Gutkin, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar B. Waddell, It is ordered that Ralph Hammar, Esquire, of Erie, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Zolla B. Hyde, It is ordered that Irene L. MacMaster, of Dallas, State of Texas; Andrew J. MacMaster, Esquire, of Dallas, State of Texas; and Vera [illegible] Street, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John Charles Reid, It is ordered that Paul Byron Roesch, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Philip R. Shiff, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. Anderson, It is ordered that Mae Turner Anderson, of Logansport, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Elizabeth B. Cassidy, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Louis Charles Smith, It is ordered that Edmund M. Squire, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Soterios Nicholson, It is ordered that Theodore N. Constant, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Henry Neale, It is ordered that Donald McDonald, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Firestone, It is ordered that Samuels McMeekers Glasgow, Jr., Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Tuttle, It is ordered that J. Pearon Brown, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Stuart Erdahl, It is ordered that Thomas F. Murphy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Shapiro, It is ordered that Louis C. Cosdon, Esquire, of Silver Spring, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin Norr, It is ordered that Frank Taylor Cotter, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Leanora Schwartz, of New York, State of New York, and Irving M. Gruber, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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First Iowa Hydro-Electric Cooperative, Petitioner, vs. Federal Power Commission et al.

603

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to remand the case to the Federal Power Commission for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Burton.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Forrest S. Smith, Trustee of the Property of Hoboken Manufacturers Railroad Company, Debtor, et al., Petitioners, vs. Hoboken Railroad, Warehouse and Steamship Connecting Company, and Hoboken Land and Improvement Company.

384

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, each party to pay his or its own costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey with directions to stay proceedings pending a decision by the Interstate Commerce Commission on the questions indicated in the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, and The St. Louis, Brownsville and Mexico Railway Company,

Petitioners,

42 vs.

The Texas Mexican Railway Company.

On writ of certiorari to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause, be, and the same is hereby, reversed, each party to pay his or its own costs in this Court.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Court of Civil Appeals to be held pending the conclusion of appropriate administrative proceedings as indicated in the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

D. A. Schulte, Inc.,

Petitioner,

517 vs.

Salvatore Gangi, Suing on Behalf of Himself and Other Employees Similarly Situated.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Burton concurs.

The late Chief Justice participated in the hearing and disposition of this case and had joined in the dissent of Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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Mr. Justice Black announced the following order of the Court:

Georgianna Boucher Gosselin,

Appellant,

1009 vs.

Chastine D. Kelley, Superintendent,
Reformatory for Women.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Georgianna Boucher Gosselin, Appellant, Appeal from the Supreme Judicial Court of the State of Maine.

1009 vs.

Chastine D. Kelley, Superintendent,
Reformatory for Women.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Maine, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Black.

Dissenting: Mr. Justice Douglas and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk.

Samuel H. Foxall,

Petitioner,

115, Misc. vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Dobry,

Petitioner,

116, Misc. vs.

Neil Olson, Warden, Nebraska State Penitentiary.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Interstate Commerce Commission,

Appellant,

1010 vs.

A. L. Mechling, Doing Business Under the Trade Name and Style of A. L. Mechling Barge Line, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

Charles B. Morris,

Appellant,

961 vs.

Paul F. Jones, Director of Insurance of the State of Illinois.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction in this case is postponed until the hearing on the merits.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

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Board of Governors of the Federal Reserve System et al., Order allowing certiorari.

Petitioners,

973 vs.

John Agnew, F. O. Fayerweather.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

942 vs.

Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of the Properties and Assets of Seaboard Air Line Railway Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, Order allowing certiorari.

Petitioner,

943 vs.

Atlantic Coast Line Railroad Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Beulah B. Crane, Order allowing certiorari.

Petitioner,

994 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Katzinger Company, Order allowing certiorari.

Petitioner,

997 vs.

Chicago Metallic Mfg. Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 410.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward Katzinger Company, Order allowing certiorari.

Petitioner,

998 vs.

Chicago Metallic Mfg. Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 410.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul A. Porter, Administrator, Office of Price Administration, Order allowing certiorari.

Petitioner,

1116 vs.

Dr. Lucas J. Lee and Hazel Lee.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument on Monday, May 13th.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul A. Porter, Administrator, Office of Price Administration, — Order allowing certiorari.

Petitioner,

1117 vs.

Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of The Peace, Covington, Kentucky.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument on Monday, May 13th.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul A. Porter, Administrator, Office of Price Administration, — Order allowing certiorari.

Petitioner,

1118 vs.

Mary Jo Dicken and Elizabeth M. Dicken et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument on Monday, May 13th.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The United States of America,
Petitioner,
714 vs.
Edmund Carl Heine.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cecil McKown,
Petitioner,
891 vs.
State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

German-American Vocational League, Inc.,
Petitioner,
925 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Black took no part in the consideration or decision of this application.

D. A. B. Recreational Resort, Inc., Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

926

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fritz Schroeder, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

927

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert Robert Bertram, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

928

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Guenther Gibbe, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

929

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Otto Bremer, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

930

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Theodore Koehn, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

931

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Lieblein,

Petitioner,

932 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gustave Schmidt,

Petitioner,

933 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Greene County National Farm Loan Association et al.,

Petitioners,

934 vs.

The Federal Land Bank of Louisville et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lewis Hays,

Petitioner,

974 vs.

Bank of America National Trust and Savings Association, etc.

On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 3d Appellate District, State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

F. Forteous, Individually, and F. Forteous, as Agent,

Petitioners,

975 vs.

Bank of America National Trust and Savings Association, etc.

On petition for writ of certiorari to the District Court of Appeal, 3d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 3d Appellate District, State of California, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jacob R. Stein, Charged as Jack R. Stein,

Petitioner,

976 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Leslie G. Bowen,
Petitioner,
978 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

11,000 Acres of Land, More or Less, Situated in Smith County, Texas, et al.
Petitioners,
979 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Agwilines, Inc.,
Petitioner,
983 vs.
Motorship "San Veronico," Her Engines, Etc., Eagle Oil & Shipping Company, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

H. Reeve Angel & Co., Inc., Petitioner,

990 vs.

The United States.

On petition for writ of certiorari to the Court of Customs and Patent Appeals

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Customs and Patent Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Indemnity Insurance Company of North America, a Foreign Corporation, Petitioner,

1000 vs.

Ada Smoot.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eastern Transportation Company, Petitioner,

1004 vs.

Ritner K. Walling and Martug Towing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eastern Transportation Company,
Petitioner,
vs.
Ritner K. Walling and Martug Towing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1005

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John P. Hudock, Executor of the Estate of Michael G. Hudock, Deceased,
Petitioner,
vs.
William C. Freeman, Secretary of Banking of the Commonwealth of Pennsylvania, Receiver of Pennsylvania Liberty Bank and Trust Co.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

1011

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert R. Hare,
Petitioner,
vs.
The United States of America;

1013

John M. Hare,

Petitioner,

1014 vs.

The United States of America; and

Clinton L. Hare,

Petitioner,

1015 vs.

The United States of America.

ON CONSIDERATION of the suggestion of a diminution of the record in these cases and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for a writ of certiorari be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Robert R. Hare, Petitioner, 1013 vs. The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John M. Hare,
Petitioner,
1014 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clinton L. Hare,
Petitioner,
1015 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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William H. Griffin,
Petitioner,
86 vs.
Grace H. Griffin.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Barney E. Gaskill et al.,

Petitioners,

693 vs.

Claude A. Roth, Trustee of the Property of The Chicago & North Western Railway Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Julian Lentin, Doing Business as J. Lentin Lumber Company,

Petitioner,

805 vs.

Paul A. Porter, Administrator, Office of Price Administration.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William B. Wells,

Petitioner,

862 vs.

People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry J. Alker, Jr., and Mamie Du Ban,
Individually, and as Executrix of the
Estate of Alfred A. Du Ban, Deceased,

Petitioners,

880 vs.

Federal Deposit Insurance Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edith Nycum,

Petitioner,

275 vs.

City of Altoona, State of Pennsylvania.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the second petition for rehearing in this case,

IT IS ORDERED by this Court that the motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of these applications.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Harry A. Badt, Captain, United States Navy,

Petitioner,

946 vs.

United States, ex rel. Blanche Ulman Reel, for and on Behalf of Frederick U. Reel.

On petition for writ of certiorar to the United States Circuit Cour of Appeals for the Second Circuit

IT APPEARING to the Court that Mr. Solicitor General McGrath, counsel for the petitioner, has filed a motion to dismiss the petition for writ of certiorari in this case.

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Winding Gulf Collieries,

Petitioner,

1074 vs.

The Board of Education of the County of Raleigh, West Virginia, et al.

ON CONSIDERATION of the application of counsel for the petitioner to extend the time within which to file reply brief in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including May 1, 1946.

Per Mr. Justice Black.

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Cecil I. Hust,

Petitioner,

625 vs.

Moore-McCormack Lines, Inc.

Argument resumed by Mr. Erskine Wood for the respondent, continued by Mr. Erskine Wood, Jr., for the respondent, and concluded by Mr. Abraham E. Freedman for the petitioner. Leave granted respondent to file additional brief by May 10.

United Brotherhood of Carpenters and Joiners of America,

Petitioners,

9 vs.

The United States of America;

The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al.,

Petitioners,

10 vs.

The United States of America;

Lumber Products Association, Inc., Acme Manufacturing Co., Inc., et al.,

Petitioners,

11 vs.

The United States of America;

Alameda County Building and Construction Trades Council,

Petitioner,

12 vs.

The United States of America; and

Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al.,

Petitioners,

13 vs.

The United States of America.

Reargument commenced by Mr. Charles H. Tuttle for the petitioners in Nos. 9 and 10, and continued by Mr. Holmes Baldridge for the respondent.

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TUESDAY, APRIL 30, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Harry Moorman Stanfield, Esquire, of Dallas, State of Texas, and Charles Edward Long, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that John Emmet Gaughan, Esquire, of Camden, State of Arkansas, and James Thomas Gooch, Esquire, of Wynne, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Price Daniel, Esquire, of Liberty, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis Shafroth, It is ordered that Edward G. Linsley, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Philip G. Rettig, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that John S. Shedden, Esquire, of New York, State of New York, and Ernest J. Ellenwood, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford A. Sheldon, It is ordered that Milton Fischer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Bedell, It is ordered that Chester Bedell, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Putman Dinsmore, It is ordered that Robert Harvey Thompson, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen H. Gardner, It is ordered that Charles Whaley Mexley, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerhard Van Arkel, It is ordered that Leslie Clifford, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James T. Hill, Jr., It is ordered that Robert Vance Brown, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Lucas Wanlass, It is ordered that Edward H. Walworth, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Erle J. Zoll, Jr., It is ordered that Harold E. Spencer, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that Francis James O'Hara, Jr., Esquire, of New York, State of New York, and John Chisman Hanes, Esquire, of Pine Hall, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving S. Levy, It is ordered that Arnold I. Dumey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Brick, It is ordered that Wesley Glenn Harding, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Grossman, It is ordered that M. Harold Goodman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward P. Huber, It is ordered that Henry P. Pate, Esquire, of New Orleans, State of Louisiana; Robert Meck Weston, Esquire, of New York, State of New York; Herman S. Merrell, Esquire, of Rocky Mount, State of North Carolina; and E. Vance Mallory, Esquire, of Flint, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Sturgis Warner, Esquire, of Ipswich, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James W. Booth, It is ordered that Richard Morton Root, Esquire, of Des Moines, State of Iowa, and Joseph H. Edgar, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Granville Burke, It is ordered that Irving I. Axelrad, Esquire, of Washington, District of Columbia, and Robert M. Ortale, Esquire, of Kingston, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Thomas Washington, It is ordered that Robert G. Miller, Esquire, of New York, State of New York, and Willis David Curtiss, Jr., Esquire, of Sodus, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Granville Munson, It is ordered that Nora Gray Springfield, of Marlin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Horace Chapman Rose, It is ordered that Sinclair Watch, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that C. E. Duncan, Esquire, of Tavares, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Elpern, It is ordered that Tom M. Alderson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United Brotherhood of Carpenters
and Joiners of America,

Petitioners,

9 vs.

The United States of America;

The Bay Counties District Council
of Carpenters of the United Brotherhood
of Carpenters and Joiners of America
et al.,

Petitioners,

10 vs.

The United States of America;

Lumber Products Association, Inc.,
Acme Manufacturing Co., Inc., et al.,

Petitioners,

11 vs.

The United States of America;

Alameda County Building and Construction Trades Council,

Petitioner,

12 vs.

The United States of America; and

Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al.,

Petitioners,

13 vs.

The United States of America.

Reargument concluded by Mr. Holmes Baldridge for the respondent. Cases submitted by Mr. Joseph O. Carson II, Mr. Harry M. Routzohn, Mr. Hugh K. McKevitt, and Mr. Jack M. Howard for petitioner, Bay County District Council of Carpenters, in No. 10; by Mr. Maurice E. Harrison for petitioners in No. 11; by Mr. Guy C. Calden and Mr. Clarence E. Todd for petitioner in No. 12; and by Mr. Morgan J. Doyle for petitioners in No. 13.

Defense Plant Corporation,

Appellant,

40 vs.

County of Beaver, Pennsylvania.

ON CONSIDERATION of the motion of Mr. Robert L. Stern, counsel for appellant, to substitute the Reconstruction Finance Corporation as the party appellant in this case in place of Defense Plant Corporation, ordered dissolved by Act of Congress of June 30, 1945,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause of action be so continued and maintained.

Per Mr. Justice Black.

Reconstruction Finance Corporation,

Appellant,

40 vs.

County of Beaver, Pennsylvania.

Argued by Mr. Robert L. Stern for the appellant; by Mr. John G. Marshall and Mr. Edward G. Bothwell for the appellee; by Mr. John L. Mourse for the State of California, as amicus curiae, and by Mr. Sherrill Halbert for the County of Stanislaus, California, as amicus curiae, by special leave of Court.

Howard Hall Company, Inc.,

Appellant,

627 vs.

The United States of America and Interstate Commerce Commission.

Argument commenced by Mr. Harold G. Hernly for the appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that William E. Miller, Esquire, of Johnson City, State of Tennessee; Robert L. Taylor, Esquire, of Milligan College, State of Tennessee; and James Haws Epps, Jr., Esquire, of Johnson City, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon E. West, It is ordered that George C. Updegraff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Fontaine Broun, It is ordered that John H. Pickering, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Arthur Lanigan, It is ordered that Ernest F. Hom, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Joseph Gollings, It is ordered that John K. V. Goff, Esquire, of Syracuse, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger W. Foster, It is ordered that Alexander Cohen, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Harry J. Gross, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that George W. Townsend, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Alexander Smith, Jr., It is ordered that John Seaman Bainbridge, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry C. Fischer, It is ordered that Ivar H. Peterson, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan B. Brown, It is ordered that Grant A. Brown, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jeter Seeborn Ray, It is ordered that William S. Tyson, Esquire, of Greenville, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon B. Lowrey, It is ordered that Sarah A. Charles, of Washington, District of Columbia, and Katharine I. Crowley, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

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Howard Hall Company, Inc.,

Appellant,

627 vs.

The United States of America and Interstate Commerce Commission.

Argument continued by Mr. Daniel W. Knowlton for the appellees and concluded by Mr. Harold G. Hernly for the appellant.

W. Daniel Pinkerton and Walter G. Pinkerton,

Petitioners,

719 vs.

The United States of America.

Argued by Mr. John S. Tucker, Jr., for the petitioners and by Mr. W. Marvin Smith for the respondent.

The United States,

Petitioner,

630 vs.

Thomas Lee Causby and Wife, Tinie Causby.

Argued by Mr. Walter J. Cummings, Jr., for the petitioner and by Mr. William E. Comer for the respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MAY 2, 1944.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Tom Stewart, Esquire, of Winchester, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Henry Hamill Fowler, Esquire, of Alexandria, Commonwealth of Virginia; Reeve Lewis, Esquire, of Washington, District of Columbia; and Frederick H. Eaton, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that Alan Bakey Carter, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie C. Garnett, It is ordered that Mark L. Little, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger S. Foster, It is ordered that Lloyd A. Garrison, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas William O'Hara, It is ordered that Edward A. Donahoe, Esquire, of Omaha, State of Nebraska, and James Arnold Carter, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Snedeker, It is ordered that Benjamin B. Knight, Esquire, of San Mateo, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Ruder, It is ordered that Earl W. Mingo, Esquire, of Lynchburg, Commonwealth of Virginia, and Robert J. O'Connor, Esquire, of Sioux City, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Jacobson, It is ordered that Jessie Walton Karsted, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. James S. Clifford, Jr., It is ordered that Walter M. Robinson, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley M. Silverberg, It is ordered that Herbert Burton Brill, Esquire, of New York, State of New York, and Neil A. Riley, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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ORDER

IT IS ORDERED BY THIS COURT that the bond of the Marshal, Thomas E. Waggaman, dated May 2, 1946, be, and the same is, duly approved and ordered to be recorded.

Mr. Justice Black.

Which said bond is in the words and figures following, viz:

KNOW ALL MEN BY THESE PRESENTS: That Thomas E. Waggaman, of Alexandria, Virginia, as Principal, and the FIDELITY AND CASUALTY COMPANY OF NEW YORK, as Surety, are held and firmly bound unto the United STATES OF AMERICA in the penal sum of TWENTY THOUSAND DOLLARS ($20,000.00), lawful money of the United States to be paid to the said United States of America, or their certain attorney, which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, and assigns, firmly by these presents.

Sealed with our seals and dated this seventh day of May, 1946.

WHEREAS, the above bounden THOMAS E. WAGGAMAN, hath been appointed Marshal of the Supreme Court of the United States;

NOW, THEREFORE, the condition of the above obligation is such that if the said THOMAS E. WAGGAMAN shall faithfully discharge the duties of the said office, and shall well and faithfully keep, disburse, pay over, and account for, according to law, the moneys that may come into his hands as such Marshal aforesaid, then this obligation to be void, otherwise to remain in full force and virtue in law.

WITNESSES:

/s/ T. PERRY LIPPITT

/s/ THOMAS E. WAGGAMAN (SEAL)

THE FIDELITY AND CASUALTY COMPANY OF NEW YORK

/s/ GEORGE A. GRIFFIN

By /s/ Lee A. Slaughter (SEAL)
Lee A. Slaughter - Attorney

The within and foregoing bond is hereby approved as to form, the sufficiency of the amount thereof and the sufficiency of the surety thereon.

/s/ Stanley F. Reed
Senior Associate Justice, Acting Chief Justice of the United States.

Securities and Exchange Commission,

Petitioner,

843 vs.

W. J. Howey Company and Howey-in-the-Hills Service, Inc.

Argued by Mr. Roger S. Foster for the petitioner and by Mr. C. E. Duncan and Mr. George C. Bedell for the respondents.

Lee Van Woods,

Petitioner,

631 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois; and

Lee Van Woods,

Petitioner,

671 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

Argued by Mr. Edward H. Levi for the petitioner and by Mr. William C. Wines for the respondent.

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

793 vs.

Warner Holding Company.

Argument commenced by Mr. Milton Klein for the petitioner.

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FRIDAY, MAY 3, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. [illegible] Cecil Kilpatrick, It is ordered that Gardner L. Boothe, Esquire, of Alexandria, Commonwealth of Virginia, and Armistead L. Booth, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] O'Hara, It is ordered that Clarence A. Stark, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Day, It is ordered that Marvin J. McMahon, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard Raum, It is ordered that Israel M. Tannenbaum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Sonnett, It is ordered that J. Francis Hayden, Esquire, of New York, State of New York, and Herman Wolkinson, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lindley C. Beckworth, It is ordered that J. Frank Norris Dennard, Esquire, of Henderson, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Bankhead, 2nd, It is ordered that Annice Pearle Mount, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William L. Guild, Jr., It is ordered that Benjamin B. Robin, Esquire, of New York, State of New York, and Charles R. Schram, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert I. Rudolph, It is ordered that Marco J. Shemaria, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Gardner Beckett, It is ordered that Lloyd G. Hanley, Esquire, of Marshall, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Reed Arthur, Jr., It is ordered that Roy O. Goldin, Esquire, of Denver, State of Colorado, and Mansur Tinsley, Esquire, of Boulder, State of Colorado, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Bresnahan, It is ordered that Thomas X. Dunn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Malcolm A. MacIntyre, It is ordered that Carl McGowan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Millet Hand, It is ordered that Clifford P. Case, Esquire, of Rahway, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert M. Steinem, It is ordered that Max H. Galfunt, Esquire, of New York, State of New York, and I. Jonas Speciner, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Amy Ruth Mahin, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Frank J. Donner, It is ordered that M. H. Goldstein, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth W. Durham, It is ordered that J. Read Smith, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Nicholas Ivins, It is ordered that Edward Charles Mos Koba, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel J. Mendelson, It is ordered that Jess Nathan, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gale P. Gotschall, It is ordered that Homer A. Walkup, Esquire, of Mount Hope, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

793 vs.

Warner Holding Company.

Argument continued by Mr. Milton Klein for the petitioner, by Mr. G. W. Townsend for the respondent, and concluded by Mr. Milton Klein for the petitioner.

The United States,

Petitioner,

696 vs.

Joseph A. Holpuch Company; and

The United States,

Petitionor,

697 vs.

Joseph A. Holpuch Company.

Argued by Mr. Abraham J. Harris for the petitioner. No appearance for the respondent.

The United States,

Petitioner,

809 vs.

Robert Morss Lovett;

The United States,

Petitioner,

810 vs.

Goodwin B. Watson; and

The United States,

Petitioner,

811 vs.

William E. Dodd, Jr.

Argument commenced by Mr. Ralph F. Fuchs for the petitioner; continued by Mr. John C. Gall for the Congress of the United States under House Resolution 386, and Public Law 249, 78th Congress, as amicus curiae, by special leave of Court; by Charles A. Horsky for the respondents; and by John C. Gall for the Congress of the United States.

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Proclamation being made the Court is adjourned until Monday, May 6, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Brooks Hays, It is ordered that John E. Chambers, Esquire, of Danville, State of Arkansas, and Audrey Strait, Esquire, of Morrilton, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Spencer Shropshire, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Arnold, It is ordered that William Busey Arnold, Esquire, of Robinson, State of Illinois, and Norman A. Eisner, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Hay Kain, It is ordered that George Hay Kain, Jr., Esquire, of York, Commonwealth of Pennsylvania, and William Henry Kain, Esquire, of York, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon Ulman, It is ordered that Sheldon E. Bernstein, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. H. Thatcher, It is ordered that Lawrence S. Grauman, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs G. Simpich, It is ordered that William M. Maxfield, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Crosby Roper, Jr., It is ordered that DeLano Andrews, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Joseph Kearney, It is ordered that Leo Lawrence Linck, Esquire, of Ravenna, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert G. Pillen, It is ordered that Harley S. Cook, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley M. Morley, It is ordered that Burton L. Walsh, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Trade Commission, Petitioner, vs. A. P. W. Paper Company, Inc.

320

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Stanley Howitt, Flora Post Lee, James Dewhurst and Terence P. O'Rourke, Petitioners, vs. The United States of America.

354

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black announced the following orders of the Court:

Howard Hall Company, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission.

627 Appeal from the District Court of the United States for the Northern District of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Federal Trade Commission, Petitioner, vs. S. Buchsbaum & Company.

1087 On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit and on motions by the respondent, S. Buchsbaum & Company, for leave to file a written waiver of the assigned error relied on by the Court below and to reverse the judgment and remand the case for consideration of the other errors assigned below, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file a written waiver be, and the same is hereby, granted.

IT IS FURTHER ordered and adjudged that the judgment of the Circuit Court of Appeals in this cause be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals for consideration of the other errors assigned below.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

O R D E R

IT IS ORDERED that the portion of Rule 46 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction which was adopted by the Supreme Court of the United States on June 8, 1942, and provides for the impounding of proceedings in admiralty cases be, and the same is hereby, suspended.

IT IS FURTHER ORDERED that the following provision be, and the same is hereby, added to Admiralty Rule 46:

> "Neither the plain language nor the coded text nor the exact translation of any message or dispatch encoded or encyphered by any department or agency of the United States or by any government allied with the United States in war shall be placed of record in pleadings, evidence, or testimony or disclosed in any manner in any proceeding without the prior consent of the department or agency of the United States or allied government which encoded or encyphered such message or dispatch. A paraphrase of the substance of such message or dispatch, prepared and certified as such by an officer of such department or agency, shall be admissible for all purposes for which the plain language message or dispatch would, save for this rule, have been admitted."

Per Mr. Justice Black.

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In the Matter of the Disbarment of
H. Eugene Gardner.

A rule is ordered to issue requiring H. Eugene Gardner to show cause why he should not be disbarred from the further practice of the law in this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Arch R. Everson,

Appellant,

911 vs.

Board of Education of the Township of Ewing, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

International Harvester Company,

Appellant,

1019 vs.

Tax Commissioner of Ohio.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

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United Federal Workers of America (C.I.O.)
et al.,

Appellants,

34 vs.

Harry B. Mitchell, Lucille Foster
McMillin and Arthur S. Fleming.

This case is restored to the docket for reargument.

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National Labor Relations Board, Order allowing certiorari.

Petitioner,

950 vs.

A. J. Tower Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

American Stevedores, Inc., Order allowing certiorari.

Petitioner,

996 vs.

Rosario Borello and The United States
of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Harice LeRoy Carter,

Petitioner,

764 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Harice LeRoy Carter, Order allowing certiorari.

Petitioner,

764 vs.

The People of the State of Illinois.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George William Dodez, Order allowing certiorari.

Petitioner,

1103 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket and set to follow No. 221.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Williams-Bauer Corporation and Conti-Williams Corporation,

Petitioners,

644 vs.

Giorolomo De Pasquale, Joseph Ciminna, and William Morton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mario Mercado Riera, Executor, et al.,

Petitioners,

908 vs.

Maria Luisa Mercado Riera De Belaval, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. B. Wheat,

Petitioner,

982 vs.

The Texas Land and Mortgage Company, Limited and E. T. O'Daniel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Harbor Marine Contracting Company and Liberty Mutual Insurance Company,

Petitioners,

986 vs.

Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission, Second Compensation District, and Frances Riviello.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Wm. Spencer & Son Corporation,

Petitioner,

989 vs.

Samuel S. Lowe, Deputy Commissioner of the United States Employees' Compensation Commission, Second Compensation District and Louis Lindenberg.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

T. A. Small,

Petitioner,

995 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Pressed Steel Car Company, Inc., Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

999

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Estate of Ethel M. Du Val, Deceased, by Thomas M. Robinson, Jr. et al., as Executors, Petitioners, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1001

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Rose Mary Nash, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

1016

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

G. Lester Nash, Petitioner, vs. Commissioner of Internal Revenue.

1017

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The 415 Fifth Avenue Company, Inc., Petitioner, vs. John F. X. Finn, as Trustee of Childs Company.

1021

On petition for writ of certiorari to the United Stated Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Burton C. Meighan, Jr., as Substituted Trustee Under The Last Will and Testament of William T. Wood, Deceased, Petitioner, vs. John F. X. Finn, as Trustee of Childs Company.

1043

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

F. A. Gillespie,
Petitioner,
1033 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mary Lois McIntosh,
Petitioner,
1047 vs.
Charles Wiggins and Mississippi Valley Trust Company, as Executors U/W of Ella L. Wiggins, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Abraham Jeskowitz,
Petitioner,
1078 vs.
Leonard H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hilda M. Glasser, as Trustee in Bankruptcy of the Estate of Helen Russell Rogers,

Petitioner,

1081 vs.

Charles Francis Rogers, Helen Russell Rogers and Harry M. Wessel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Metallizing Engineering Co., Inc.,

Petitioner,

1092 vs.

Kenyon Bearing & Auto Parts Co., Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Basil R. Crampton,

Petitioner,

1154 vs.

Crampton Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bertha Florence Sabin and M. R. Sabin,

Petitioners,

952 vs.

Home Owners' Loan Corporation, a Corporation, et al.

ON CONSIDERATION of the motion for leave to proceed on a typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Bertha Florence Sabin and M. R. Sabin, Petitioners, vs. Home Owners' Loan Corporation, a Corporation, George J. Overmyer and Brenda E. Overmyer.

952

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Orville C. Garrison, Petitioner, vs. James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

797

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Bernard Paul Coy, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

857

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Copeland, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

887

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

W. E. Maxwell, Petitioner, vs. Robert H. Hudspeth, Warden, Kansas State Penitentiary, Lansing, Kansas. — On petition for writ of certiorari to the Supreme Court of the State of Kansas.

939

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Maynard Skaug,
Petitioner,
955 vs.
State of Nevada.

On petition for writ of certiorari to the Supreme Court of the State of Nevada.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Maynard Skaug,
Petitioner,
956 vs.
Richard Sheehy, Warden of State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Nevada.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mike Marvich,
Petitioner,
1041 vs.
The People of the State of California et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Emil Reck,

Petitioner,

1079 vs.

The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry S. Barnes,

Petitioner,

1095 vs.

Ralph Howard, Warden, Indiana State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

W. E. Maxwell,

Petitioner,

1101 vs.

Walt Neibarger, Clerk of the Supreme Court of Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Donald Moore, Petitioner, vs. People of the State of Illinois.

1106

On petition for wri to the Supreme Cou of Illinois.

ON CONSIDERATION of the motion for leave to proce pauperis and of the petition for writ of certiorari, it is Court that the motion to proceed in forma pauperis be, and granted; and that the petition for writ of certiorari be, a hereby, denied.

Per Mr. Justice B

Mr. Justice Jackson took no part in the considera of this application.

Roy Morgan, Petitioner, vs. W. C. Parker, Warden, Missouri State Penitentiary.

894

On petition for wri to the Supreme Cou of Missouri.

ON CONSIDERATION of the motion for leave to proce pauperis and of the petition for writ of certiorari, it is Court that the motion to proceed in forma pauperis be, and granted; and that the petition for writ of certiorari be, a hereby, denied.

Per Mr. Justice B

Mr. Justice Murphy is of the opinion that the peti certiorari should be granted.

Mr. Justice Jackson took no part in the considera of this application.

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Joseph Greco, Petitioner, vs. W. C. Parker, Warden, etc.

755

A petition for rehearing having been filed in this

UPON CONSIDERATION THEREOF, it is ordered by this said petition be, and the same is hereby, denied.

Per Mr. Justice Bl

Frank Andrews,

Petitioner,

874 vs.

The State of Ohio.

A petition for rehearing having been filed in thi

UPON CONSIDERATION thereof, it is ordered by this

said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the considera
of this application.

Lester Barnard,

Petitioner,

1072 vs.

Joseph E. Ragen, Warden, etc.

A petition for rehearing having been filed in thi

UPON CONSIDERATION thereof, it is ordered by this

said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the considera
of this application.

Wesley W. West,

Petitioner,

667 vs.

Commissioner of Internal Revenue;

J. Marion West,

Petitioner,

668 vs.

Commissioner of Internal Revenue;

Estate of J. M. West, Deceased,
James M. West, Jr., et al.,
Executors,

Petitioners,

669 vs.

Commissioner of Internal Revenue; and

Jessie Gertrude West,

Petitioner,

670 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases and of the second petition for rehearing;

IT IS ORDERED by this Court that the motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

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It is ordered that the Court will recess at the conclusion of arguments in case No. 970 until Monday, May 13, from the conclusion of arguments in cases specially set for that day until Monday, May 20, and from that day until Monday, May 27, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Comet Carriers, Inc., Petitioner, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

609 On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

IT APPEARING to the Court that counsel for petitioner has filed a motion to dismiss the writ of certiorari in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Justice Black.

The United States, Petitioner, vs. Robert Morss Lovett;

609

The United States, Petitioner, vs. Goodwin B. Watson; and

610

The United States, Petitioner, vs. William E. Dodd, Jr.

611

Argument concluded by Mr. [illegible] for the Committee of the United States under House Resolution [illegible], and [illegible], as amicus curiae, by special leave of Court.

Abraham Fishgold,

Petitioner,

970 vs.

Sullivan Drydock & Repair Corporation et al.

Argued by Mr. Assistant Attorney General Sonnett for the petitioner; by Mr. J. Read Smith for respondent, Sullivan Drydock and Repair Corporation; and by Mr. M. M. Goldstein for respondent, Roy Granata, as Acting President, etc. Leave granted M. M. Goldstein to file additional brief within three days.

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Proclamation being made the Court is adjourned until Monday, May 13, next, at 12 o'clock.

MONDAY, MAY 15, 1944.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Brnalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Earl A. Michener, It is ordered that Robert M. Anderson, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Thomas J. Donegan, Esquire, of New York, State of New York; E. Leo Backus, Esquire, of Niagara Falls, State of New York; and Michael Mitchell Gould, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Worley, It is ordered that E. A. Simpson, Esquire, of Amarillo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Robert E. Smylie, Esquire, of Caldwell, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Maude Wilkinson, of Memphis, State of Tennessee; Clifford Davis, Esquire, of Memphis, State of Tennessee; and James P. Smith, Esquire, of Memphis, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Miss)

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Alexander Boyd Hawes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde B. Aitchison, It is ordered that Wayne Lyman Morse, Esquire, of Eugene, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Jacob John Quillin, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Lee Tally Johnson, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Arthur H. Dean, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conrad E. Snow, It is ordered that Donald K. Lippincott, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neville Miller, It is ordered that Gilbert Burnett, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that William Stix, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Bernard S. Brown, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Richardson, It is ordered that Solomon J. Isaacoff, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hob[illegible] It is ordered that Sara Maxwood Knight, of Washington, District of Columbia, and L. Kathryn McDuff, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Mrs., Miss)

On motion first made to the Court in this behalf by Mr. Gordon S. Parker, It is ordered that Walter E. Mueller, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and Francis D. Brewier, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight David Doty, It is ordered that Jason D. Lee, Esquire, of Baker, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Adams, It is ordered that Albert E. Jenner, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest W. Goodrich, It is ordered that Robert W. Arnold, Jr., Esquire, of Waverly, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Alexander Boyd Hawes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde B. Aitchison, It is ordered that Wayne Lyman Morse, Esquire, of Eugene, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Jacob John Quillin, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Lee Tally Johnson, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Arthur H. Dean, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conrad E. Snow, It is ordered that Donald K. Lippincott, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neville Miller, It is ordered that Gilbert Burnett, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that William Stix, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Bernard C. Brown, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Richardson, It is ordered that Solomon J. Bischoff, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. J. [illegible], It is ordered that Sara Hammond Knight, of Washington, District of Columbia, and L. Kathryn McDuff, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs., Miss)

On motion first made to the Court in this behalf by Mr. Gordon J. Parker, It is ordered that Walter E. Mueller, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and Francis E. Browder, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight David Doty, It is ordered that Jason D. Lee, Esquire, of Salem, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Adams, It is ordered that Albert E. Jenner, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest W. Goodrich, It is ordered that Robert W. Arnold, Jr., Esquire, of Beverly, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emilio Torres, It is ordered that Raul O. del Castillo, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. McCarthy, It is ordered that Andrew D. Jordan, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, Jr., It is ordered that Carl C. Manderen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. L. Pope, It is ordered that Harry E. Meek, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas L. McKevitt, It is ordered that Walter E. Rogers, Esquire, of Pampa, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Davis, It is ordered that Eugene E. Ditto, Esquire, of Washington, District of Columbia, and J. Donald Gunn, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Raymond J. Bowen, Esquire, of Washington, District of Columbia, and B. Nelsen Deranian, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abner H. Ferguson, It is ordered that Donald O. Lincoln, Esquire, of Washington, District of Columbia, and Nelson V. N. Dungan, Esquire, of Somerville, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas F. Cullen, It is ordered that Will J. Davis, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Thuee, It is ordered that Charles J. Harnett, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Garrett Scott, It is ordered that Drew L. Carraway, Esquire, of Washington, District of Columbia, and Homer S. Carpenter, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seymour S. Guthman, It is ordered that Mandel L. Anixter, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Jeremiah Francis Cross, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John V. Bloys, It is ordered that Edgar B. Harrison, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kratz, Jr., It is ordered that Paul M. Rowe, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abram Orlow, It is ordered that Lena L. Orlow, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. M. S. Isenbergh, It is ordered that Marx Leva, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Joseph Gollings, It is ordered that John F. Britton, Esquire, of Montgomery, State of Alabama, and Edward B. Crosland, Esquire, of Montgomery, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Ziskind, It is ordered that Samuel Greenfield, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl B. Mixcey, It is ordered that Kenneth B. Dawson, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Vincent W. Hallinan, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Ortale, It is ordered that Joseph Francis Rogers, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Giles Henry Penstone, It is ordered that Richard Jack Demeree, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy W. Russell, Jr., It is ordered that James W. Hodson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham J. Harris, It is ordered that Seymour Friedman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard G. Radue, It is ordered that Frederick W. Turnbull, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd G. Hanley, It is ordered that Richard Arnold Mullens, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Bentley, It is ordered that Alban Weber, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. Cragun, It is ordered that Thomas O. Miller, Esquire, of Lusk, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Nathan Siegel, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Reconstruction Finance Corporation, Successor to Defense Plant Corporation,
Appellant,
vs.
County of Beaver, Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

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THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and on motion of appellee to dismiss the appeal, which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, denied.

IT IS FURTHER ORDERED AND ADJUDGED that the judgment of the Supreme Court of Pennsylvania in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

Securities and Exchange Commission,
Petitioner,
vs.
Engineers Public Service Company et al.;

2

Engineers Public Service Company et al.,
Petitioners,
vs.
Securities and Exchange Commission;

3

American Power & Light Company,

Petitioner,

6 vs.

Securities and Exchange Commission; and

Electric Power & Light Corporation,

Petitioner,

7 vs.

Securities and Exchange Commission.

The death of the late Chief Justice having deprived the Court of a quorum in these cases, they are restored to the docket and assigned for re-argument during the week of October 16th.

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Santa Fe Pacific Railroad Company,

Petitioner,

118, Misc. vs.

Honorable Dave W. Ling, Judge of the District Court of the United States for the District of Arizona.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Matthew Nowak,

Petitioner,

117, Misc. vs.

Walter Mierstheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Christopher C. Brown,

Petitioner,

119, Misc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stephen T. Lovich,

Petitioner,

120, Misc. vs.

C. D. Nicholsen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Amos Dale,

Petitioner,

104, Misc. vs.

Robert A. Heinze, Warden, etc.

This case is dismissed, the matters having been presented and disposed of by denial of a petition for writ of certiorari in No. 949, Dale vs. People of State of California et al.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, — Order allowing certiorari.

Petitioner,

1018 vs.

Halliburton Oil Well Cementing Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, — Order allowing certiorari.

Petitioner,

1052 vs.

William M. Dickinson.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

The United States of America, Order allowing certiorari.

Petitioner,

1053 vs.

F. H. Withrow.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The United States of America, Order allowing certiorari.

Petitioner,

988 vs.

Louis Bruno.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jack Parker, Isidor M. Saks, Melvin Caplan et al., — Order allowing certiorari.

Petitioners,

1075 vs.

Paul A. Porter, Price Administrator.

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

A. M. Anderson, Receiver of National Bank of Kentucky, Louisville, Kentucky, — Order allowing certiorari.

Petitioner,

1104 vs.

Irvin Yungkau, Executor of the Estate of Albert Yungkau, Deceased, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Securities and Exchange Commission, — Order allowing certiorari.

Petitioner,

1088 vs.

Chenery Corporation et al.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Securities and Exchange Commission, Petitioner, Order allowing certiorari.

1089 vs.

Federal Water and Gas Corporation.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, Petitioner, Order allowing certiorari.

914 vs.

Paul David Sheridan.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

914 vs.

Paul David Sheridan.

ON CONSIDERATION of the motion of the [illegible] for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion, and the same is hereby, granted.

Per Mr. Justice [illegible].

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Joseph Ago Stassi,

Petitioner,

971 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Woodville, Oklahoma and New Woodville, Oklahoma,

Petitioners,

1022 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Woodville, Oklahoma and New Woodville, Oklahoma,

Petitioners,

1023 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles T. Rule,

Petitioner,

1024 vs.

Hattie Sears, Edwin E. Weber, Minnie Louise Mattocks et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John D. Pittman, Joseph L. Garvey and J. D. Pittman Tractor Co., Inc.,

Petitioners,

1035 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

I. Hasbrouck Chahoon,
Petitioner,
1037 vs.
Harry M. Hickey, Collector of United States Internal Revenue for the Fourteenth District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the [illegible] Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Line Material Company and William O. Schultz,
Petitioners,
1042 vs.
Casper W. Coms, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Guido Trucco,
Petitioner,
1070 vs.
Erie Railroad Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Winding Gulf Collieries,
Petitioner,
1074 vs.
The Board of Education of the County of Raleigh, West Virginia and Allemannia Fire Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William G. McRae,
Petitioner,
1080 vs.
John A. Boykin.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Almon A. Heath,
Petitioner,
1105 vs.
Henry G. Frankel and L. V. Frankel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

City of Franklin,

Petitioner,

1119 vs.

Coleman Bros. Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Phoenix Finance Corporation, a Delaware Corporation,

Petitioner,

1076 vs.

Iowa-Wisconsin Bridge Company, a Delaware Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Iowa-Wisconsin Bridge Company, a Delaware Corporation,

Petitioner,

1077 vs.

Phoenix Finance Corporation, a Delaware Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

Jule E. Piccard, etc., Petitioner, vs. The Sperry Corporation, Standard Capital Company, J. Cheever Cowdin, et al., etc.

1086 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Lesser, Petitioner, vs. The People of the State of New York.

1032 — On petition for writ of certiorari to the Court of General Sessions of the County of New York, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Calman Cooper, Petitioner, vs. J. Vernel Jackson, Warden of the Clinton Prison, Dannemora, New York.

1067 — On petition for writ of certiorari to the Supreme Court, Appellate Division, 3d Judicial Department, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Bruce Borrelli, Petitioner, vs. The State of Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1115

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Matthew Nowak, Petitioner, vs. Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1120

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Russell Hancock, Petitioner, vs. Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1122

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Joseph Tomanek, Petitioner,
1133 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Minor, Petitioner,
1134 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lonnie Daynes, Petitioner,
1150 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Donald Loftus,

Petitioner,

1152 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William Stafford,

Petitioner,

1157 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Andrew Scott,

Petitioner,

1164 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clifton Mills, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1165

On petition for writ of certiorari to the Supreme Court of the State Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Gause, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1166

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clement Lebedis, Petitioner, vs. Joseph E. Ragen, Warden of the Illinois State Penitentiary, et al.

1167

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Corrino Sykes, alias Heloise T. Parker,

Petitioner,

1020 vs.

The Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Murphy is of the opinion that the petition for certiorari should be granted.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Clara Dellar,

Petitioner,

654 vs.

Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, et al.; and

Clara Dellar,

Petitioner,

655 vs.

Samuel Goldwyn, Inc., Samuel Goldwyn, Eddie Cantor, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Henry Robinson, Jr.,

Petitioner,

514 O.T. 1944 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Santo Grasso,

Petitioner,

340 vs.

Oivind Lorentzen, Director of Shipping and Curator for the Royal Norwegian Government, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case out of time and of the petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of these applications.

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The Court will take a recess at the conclusion of arguments in case No. 1118 until Monday, May 20.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Richard A. Lynch, Milton Weihrauch, Americo Fiore et al.,

Petitioners,

vs.

State of New Jersey and Walter P. Waldau.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

918

It appearing to the Court that counsel for the petitioners has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Mr. Justice Frankfurter.

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Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

vs.

Dr. Lucas J. Lee and Hazel Lee;

1116

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

vs.

Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of the Peace, Covington, Kentucky; and

1117

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

vs.

Mary Jo Dicken and Elizabeth M. Dicken, et al.

1118

Argued by Mr. Robert L. Stern for the petitioner and by Mr. Howe... W. Vincent for the respondents in Nos. 1116 and 1117 and submitted by Mary Jo Dicken et al., pro se, in No. 1118.

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Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Murray James Madison, Esquire, of New York, State of New York; Harold F. Reis, Esquire, of New York, State of New York; Martin P. Hart, Esquire, of Harlingen, State of Texas; Lawrence P. Gherty, Esquire, of Saint Paul, State of Minnesota; Daniel J. Hanlon, Esquire, of Washington, District of Columbia; Russell T. Boyle, Esquire, of Kansas City, State of Missouri; William Marshall Boyle, Jr., Esquire, of Kansas City, State of Missouri; Fred G. Folsom, Esquire, of Boulder, State of Colorado; Roscoe T. Pile, Esquire, of Sterling, State of Colorado; and William H. Shook, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Miles N. Pike, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that William L. Storey, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that John A. Ferguson, Esquire, of Caruthersville, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Ethel J. McCabe, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Roscoe Rizley, It is ordered that Curtis A. Harris, Esquire, of Oklahoma City, State of Oklahoma, and Vivien Irene McConnell, of Oklahoma City, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that G. A. Heikkila, Esquire, of Portland, State of Oregon, and Walter Norblad, Esquire, of Astoria, State of Oregon, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that Allison J. Gibbs, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that Robert M. Underhill, Esquire, of Onawa, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] McClure, It is ordered that William I. Woodcock, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, and H. Merle Mulloy, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis Kitchin, It is ordered that Raymond Kyle Hayes, Esquire, of North Wilkesboro, State of North Carolina, and J. Allie Hayes, Esquire, of North Wilkesboro, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Zinn, It is ordered that John B. Fitzpatrick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Flannery, It is ordered that Francis P. Noonan, Esquire, of Waterbury, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy C. Frank, It is ordered that William M. Cross, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Wenderoth, It is ordered that Tracy R. V. Fike, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Sloan, It is ordered that John W. Hiester, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Rosenzweig, It is ordered that Hilamaryo Tailor, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that L. Selby Higgins, Esquire, of Richmond, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Johnson, It is ordered that Leslie S. Perry, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard [illegible] Stevens, It is ordered that Davidson C. Miller, Esquire, of [illegible], District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James D. Hayes, It is ordered that Don Gray, Esquire, of Johnson City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert [illegible] Vaughan, It is ordered that Chester Ward, Esquire, of [illegible], District of Columbia, and Howard J. Anderson, Esquire, of [illegible], District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Saidman, It is ordered that Samuel B. Brown, Esquire, of Washington, District of Columbia; Nathan M. Brown, Esquire, of Washington, District of Columbia; and Benjamin B. Brown, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Sullivan, It is ordered that Melville Southard, Esquire, of New York, State of New York; James Royall Frazer, Esquire, of New York, State of New York; and John S. Wilson, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Dodge, It is ordered that Hector M. Holmes, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester A. Bennett, It is ordered that Ralph L. Fusco, Esquire, of Perth Amboy, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Jackson, It is ordered that Arthur Healy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Clary, It is ordered that Jackson W. Chance, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald E. Lane, It is ordered that Lewis Harvey Phelps, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Clifton Stone, It is ordered that Clinton M. Hester, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Glenn, It is ordered that Arthur H. Bartelt, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Ballard, It is ordered that Samuel Eugene Gates, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward F. Huber, It is ordered that Albert L. Burford, Jr., Esquire, of Pasadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Graham Claytor, Jr., It is ordered that Charles F. Barber, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Kent Van Allen, It is ordered that John C. Geilfuss, Esquire, of Milwaukee,

State of Wisconsin, be admitted to practice as an Attorney and Counsellor this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund D Campbell, It is ordered that Edward C. Johnson, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B Rice, It is ordered that Arthur W. Ellis, Esquire, of Falls Church, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth York, It is ordered that Paul D. Sherman, Esquire, of Falls Church, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marx Lev It is ordered that Loren K. Olson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Grady Lewis, It is ordered that Roy L. Sullivan, Esquire, of Oklahoma City, of Oklahoma, be admitted to practice as an Attorney and Counsellor of th Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Rei Turney, Jr., It is ordered that H. J. Moggle, Esquire, of Anchorage, Territory of Alaska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A Fanelli, It is ordered that Hiram Leong Fong, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Welburn Mayock, It is ordered that Hiram T. Kellogg, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Whitehead, It is ordered that James Blenn Perkins, Jr., Esquire, of Boothbay Harbor, State of Maine, and James M. Murphy, Esquire, of Tucson, State of Arizona, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Armistead Buckner Hood, It is ordered that Joseph B. Hyman, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that Henry Preston Morris, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Pickering, It is ordered that George R. Price, Esquire, of Battle Creek, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cross, It is ordered that Dean S. Zinn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. L. McMundro, It is ordered that James F. Minnet, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Gilbert E. Thiel, Petitioner, vs. Southern Pacific Company. 349

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed at the cost of the Southern Pacific Company; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States, Petitioner, vs. Joseph A. Holpuch Company. 696

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Opinion by Mr. Justice Douglas dissenting in part in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States, Petitioner, vs. Joseph A. Holpuch Company. 697

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Opinion by Mr. Justice Douglas dissenting in part in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Lee Van Woods, Petitioner, vs. Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. 631

On writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Randolph County, State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Lee Van Woods, Petitioner, vs. Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois. 671

On writ of certiorari to the Criminal Court of Cook County, State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Criminal Court of Cook County, State of Illinois, and was argued by

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black announced the following order of the Court:

Clifford Cogswell, Petitioner, vs. Chicago & Eastern Illinois Railroad Company. — Order allowing certiorari.

1140

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, except as to the question whether the jury could have found respondent guilty of a violation of Rule 152 of the Interstate Commerce Commission.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clifford Cogswell, Petitioner, vs. Chicago & Eastern Illinois Railroad Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1140

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause

be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

Seas Shipping Company, Inc.,

Petitioner,

365 vs.

Joseph Sieracki.

ON CONSIDERATION of the motion of the American Merchant Marine Institute, Inc., et al. for leave to file brief as amici curiae in this case in support of the petition for rehearing,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Benjamin H. Jones,

Petitioner,

121, Misc. vs.

E. J. Welch, Superintendent, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pat Duggan,

Petitioner,

122, Misc. vs.

Neil Olson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion b is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the considerat of this application.

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The United States of America,

Appellant,

1130 vs.

National Lead Company et al.;

National Lead Company et al.,

Appellants,

1131 vs.

The United States of America; and

E. I. du Pont de Nemours and Company, Inc.,

Appellant,

1132 vs.

The United States of America.

The statements of jurisdiction in these cases invi and considered by the Court, probable jurisdiction [illegible].

Per Mr. Justice [illegible].

Mr. Justice Jackson took no part in the considerat of this order.

Gulf Oil Corporation, Order allowing certiorari.

Petitioner,

1148 vs.

Cornelius Gilbert, Doing Business Under the Firm Name and Style of Gilbert Storage & Transfer Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Helene A. Jesionowski, Administratrix, Order allowing certiorari.

Petitioner,

1129 vs.

Boston & Maine Railroad.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Continental Oil Company,

Petitioner,

1066 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

First National Benefit Society, a Corporation,

Petitioner,

1065 vs.

W. F. Stuart, Collector of Internal Revenue for the District of Arizona.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

L. B. Carpenter and Margaret Carpenter,

Petitioners,

1071 vs.

Title Insurance and Trust Company.

On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 2d Appellate District, State of California, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eularia M. Gatewood, Owner of the Motor Vessel "Lillian Anne",

Petitioner,

1084 vs.

W. S. Sanders, Owner of the Motor Tug "Fairwill", et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Los Angeles Soap Company,

Petitioner,

1091 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

William G. Barnes,

Petitioner,

1094 vs.

City of Philadelphia.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Knudsen,
Petitioner,
1097 vs.
Arthur Stegman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert Gould and Dowling Bros. Distilling Company,
Petitioners,
1102 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Cudahy Packing Company, a Maine Corporation,
Petitioner,
1114 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John M. Hartzberg and Louis Hartzberg, Co-Partners, Doing Business Under the Firm Name and Style of J. & L. Hartzberg,

Petitioners,

1123 vs.

The New York Central Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, County of New York, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Swift & Co.,

Petitioner,

1136 vs.

Jennie Herzig, as Administratrix of the Goods, Chattels and Credits of Herman Weintraub, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James R. Hill, a Minor, by Theodore A. Hill, His Father and Next Friend,

Petitioner,

1141 vs.

Baltimore & Ohio Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey,

Petitioner,

1143 vs.

The State of New Jersey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Chester W. Crum,

Petitioner,

634 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Hampson,
Petitioner,
vs.
Tom Smith, Superintendent of the Washington State Penitentiary at Walla Walla, Washington.

907

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Nathan Morris and John Frederick Box, Jr.,
Petitioners,
vs.
The United States of America.

957

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edgar L. Dotson,
Petitioner,
vs.
The State of Texas.

1073

On petition for writ of certiorari to the Court of Criminal Appeals, State of Texas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Carl Preston Spencer, Petitioner, vs. People of the State of New York.

1121

On petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David Rubin, Petitioner, vs. The State of New York.

1135

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Agnes Lewis, Petitioner, vs. Mr. and Mrs. Harry Parker.

1159

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James T. Vlahos, Petitioner,
1163 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter Krushinski, Petitioner,
1168 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Price, Petitioner,
1184 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Winnebago County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harris Bailey,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1197

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elwood Beagle,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois.

1207

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Dorsey McMahan,

Petitioner,

114, Misc. vs.

James V. Bennett, Director, Bureau of Prisons.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Seas Shipping Company, Inc.,

Petitioner,

365 vs.

Joseph Sieracki.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Knight,

Petitioner,

883 vs.

The State of Ohio.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

O. A. Shaver,

Petitioner,

893 vs.

Fidelity Bankers Trust Company, Successors Trustee Under the Last Will of Daniel Briscoe, Deceased.

A petition for rehearing having been filed in this case

UPON CONSIDERATION thereof, it is ordered by this Court

said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration of this application.

The Autocar Sales and Service Company,

Petitioner,

967 vs.

A. G. Leonard et al., etc.

A petition for rehearing having been filed in this case

UPON CONSIDERATION thereof, it is ordered by this Court

said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration of this application.

Charles O'Neil,

Petitioner,

985 vs.

Cornelius J. Burke, Warden, etc., et al.

A petition for rehearing having been filed in this case

UPON CONSIDERATION thereof, it is ordered by this Court

said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration of this application.

Harry J. Alker, Jr., and Mamie Du Ban,
Individually and as Executrix of the
Estate of Alfred A. Du Ban, Deceased,

Petitioners,

880 vs.

Federal Deposit Insurance Corporation.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case and of the second petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, May 20, until Monday, May 27.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made the Court is adjourned until Monday, May 27, next.

MONDAY, MAY 27, 1940.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Thomas Lonsdale Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Julian Regan Thruston, Esquire, of Las Vegas, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey M. Reed, It is ordered that Samuel Williamson, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. [illegible] Ferguson, It is ordered that Annette Thayer Means, of Detroit, State of Michigan; Cyril C. Means, Jr., Esquire, of Detroit, State of Michigan; and Virginia A. Bradford Capper, of Detroit, State of Michigan; and Clarence A. Bradford, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were [illegible] Mrs.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that John M. Gerrish, Esquire, of Polson, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lindley C. Beckworth, It is ordered that Joseph Earl Jackson, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren R. Austin, It is ordered that Roswell M. Austin, Esquire, of Saint Albans, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that R. S. Wilson, Esquire, of Van Buren, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. O'Hara, It is ordered that Walter H. Jones, Esquire, of Hackensack, State of New Jersey, and Louis A. Mounier, Jr., Esquire, of Hackensack, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Allan L. Leonard, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that Daniel B. Blake III, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that Paul Tison, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer A. Ramey, It is ordered that Arnold F. Bunge, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph [illegible]. Fuchs, It is ordered that Rhodes S. Baker, Jr., Esquire, of Dallas, [illegible] Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Whitehurst, It is ordered that Vincent P. Molineaux, Esquire, of [illegible], State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible]. Dwan, It is ordered that Kenneth Foster, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Gray, It is ordered that Thaddeus D. Klemens, Esquire, of Arlington, [illegible] of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that W. D. Stark, Esquire, of Richmond, [illegible] of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible]. Grant, It is ordered that James D. McKesson, Esquire, of Walkerton, [illegible] Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible]. Seegmiller, It is ordered that Samuel Mirman, Esquire, of Los Angeles, [illegible] of California, and William T. Thurman, Esquire, of Salt Lake City, [illegible] Utah, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Bernays Wiener, It is ordered that J. Frank McLaughlin, Esquire, of [illegible], Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville La Marche, It is ordered that J. Edward Davey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that Walter E. Hopper, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. Griffin, It is ordered that Kenneth Ross Iverson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Becker, It is ordered that Odell Kominers, Esquire, of West Palm Beach, State of Florida, and Allen J. Krouse, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob D. Hyman, It is ordered that John O. Honnold, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Milman Doyle, It is ordered that Henry I. Brouillette, Esquire, of Monterey Park, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Seiger, It is ordered that Arthur J. Gutman, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Cromelin, It is ordered that Peter F. Hunt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving M. Gruber, It is ordered that Milton Harper, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney T. Smith, It is ordered that Rolf T. Michelsen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis Horatio Barnes, It is ordered that Herschel A. Franklin, Esquire, of Bakersfield, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel D. Richards, It is ordered that Charles E. Ayer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Shapiro, It is ordered that Willard L. Lamberton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert T. Smith, It is ordered that Leonard K. Tanner, Jr., Esquire, of Chicago, State of Illinois; John M. Cole, Esquire, of New York, State of New York; and Robert Vernon Smith, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and that they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Bernard A. Master, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Robert N. Dahlgren, Esquire, of Washington, District of Columbia; John C. Dahlgren, Esquire, of Washington, District of Columbia; and David F. Close, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Edward S. Finney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that George J. Harkness, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dominick Manoli, It is ordered that Thomas J. Kennedy, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fulton M. Brylawski, It is ordered that Willard S. McKay, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Owsley Stanley, Jr., It is ordered that Clay Shackelford, Esquire, of Richmond, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Reece Harrison, It is ordered that Floyd D. Strong, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Vallance, It is ordered that H. Heinrich Spang, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Carlock, It is ordered that John Peter [illegible], Esquire, of [illegible], District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Sonosky, It is ordered that Robert J. Maron, Esquire, of Duluth, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Boskey, It is ordered that David Schwartz, Esquire, of New York, State of New York, and Lloyd N. Cutler, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Briggs, It is ordered that Simon Fuller, Esquire, of [illegible], State of California, and Asa D. Kennedy, Jr., Esquire, of [illegible], State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Comer, It is ordered that Erskine Hoffer, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gale L. Gotschall, It is ordered that Helen Marguerite Morris, of Alexandria, Commonwealth of Virginia, and Leon G. Morris, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. James Alexander Bell, It is ordered that Jesse T. Nicholas, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Pace, Jr., It is ordered that Walter C. Janney, Jr., Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas R. Clydesdale, It is ordered that Gerald T. O'Mara, Esquire, of Boston, Commonwealth of Massachusetts, and Walter W. Davis, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Una Rita Morris, It is ordered that Josephine Virginia Bush, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James Alexander Bell, It is ordered that Nina Haynes Ikard, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. David J. Shorb, It is ordered that Kenneth Carroad, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel E. Richards, It is ordered that Floyd E. Harper, Esquire, of Tipton, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray Weightman, It is ordered that Phil E. Thompson, Esquire, of Mound City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Securities and Exchange Commission, Petitioner, vs. W. J. Howey Company and Howey-in-the Hills Service, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. 843

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States, Petitioner, vs. Thomas Lee Causby and Wife, Tinie Causby. — On writ of certiorari to the Court of Claims. 630

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims so that it may make the necessary findings of fact in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Burton joins.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Abraham Fishgold,

Petitioner,

970 vs.

Sullivan Drydock & Repair Corporation, Roy Granata, as Acting President and Acting Treasurer of Local 13, Industrial Union of Marine and Shipbuilding Workers of America, C. I. O.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed.

IT IS FURTHER ORDERED that no fees or court costs be taxed against petitioner, Fishgold. Respondents are ordered to pay their own costs in this Court.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Douglas

Dissenting opinion by Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

1116 vs.

Dr. Lucas J. Lee and Hazel Lee.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Kentucky for trial of the issues on the merits.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

MONDAY, MAY 27, 1946 - Recessed

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

1117 vs.

Hazel Lee and Lucas J. Lee, Agent, and Sue Lakenan, Justice of the Peace, Covington, Ky.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals For the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Kentucky for trial of the issues on the merits.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

1118 vs.

Mary Jo Dicken and Elizabeth M. Dicken, W. M. Murray, Executor of the Estate of Emma Gang, Deceased, Jacob E. Sandusky, Sheriff.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals For the Sixth Circuit, and was brought to this Court before hearing and judgment in the Circuit Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the District Court of the United States for the Eastern District of Ohio in this cause be, and the same is hereby, reversed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court for further proceedings to be had in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Black announced the following order of the Court:

Roy Alton Helwig,

Petitioner,

732 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Roy Alton Helwig, Order allowing certiorari.

Petitioner,

732 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Roy Alton Helwig, On writ of certiorari to the United

Petitioner, States Circuit Court of Appeals for

732 vs. the Third Circuit.

The United States of America.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the

same is hereby, remanded to the said Circuit Court of Appeals with directions to require the District Court to perfect the record.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

The United States of America,

Complainant,

12, Original vs.

The State of California.

ON CONSIDERATION of the motion of the State of California for leave to file its answer herein and for leave to file pre-trial conference for leave to file answer in this case,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted and the answer is ordered to be filed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

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Michael P. Jordan,

Petitioner,

1008 vs.

Federal Farm Mortgage Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for petitioner has failed to comply with the rules of this Court in this case, it is therefore ordered that the petition for writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this order.

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Ralph Barton Butz,

Petitioner,

124, Misc. vs.

United States Postmaster General.

ON CONSIDERATION of the application submitted herein by Ralph Barton Butz,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Independent Warehouses, Inc.,
Pennsylvania Coal Company, et al.,

Appellants,

1096 vs.

William Scheele, Recorder of the Township of Saddle River, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

Aircraft & Diesel Equipment Corporation,

Appellant,

1183 vs.

Maurice Hirsch, E. D. McDougal, John R. Paul, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

Leo H. Stoelo, Order allowing certiorari.

Petitioner,

1056 vs.

General Mills, Inc.

The petition herein for a writ of certiorari to the United St
Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the
transcript of the proceedings before which accompanied the petition, shall
treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or deci
of this application.

General Madison Pearson, Post
Commanding Officer, Fort Dix,
New Jersey,

Petitioner,

947 vs.

United States ex rel. Harry Morowitz;
and

General Madison Pearson, Post
Commanding Officer, Fort Dix,
New Jersey,

Petitioner,

948 vs.

United States ex rel. Jacob S.
Samuels.

ON CONSIDERATION of the motion of Mr. Solicitor General
substitute as the party petitioner herein Major General Leland S.
successor to Brigadier General Madison Pearson as Commanding Officer
Dix, New Jersey,

IT IS ORDERED by this Court that the said motion be, and the
hereby, granted and the causes are so continued and maintained.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or deci
of this motion.

Major General Leland S. Hobbs, Post Commanding Officer, Fort Dix, New Jersey,

Petitioner,

947 vs.

United States ex rel. Harry Horowitz.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Major General Leland S. Hobbs, Post Commanding Officer, Fort Dix, New Jersey,

Petitioner,

948 vs.

United States ex rel. Jacob S. Samuels.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Oklahoma, Order allowing certiorari.

Petitioner,

1098 vs.

United States Civil Service Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, and the case is set for argument immediately following No. 34.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hans Max Haupt,

Petitioner,

900 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Hans Max Haupt, Order allowing certiorari.

Petitioner,

900 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U.S.C., sec. 832.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George E. Hickman, as Administrator of the Estate of Norman E. Hickman, Deceased,

Petitioner,

vs.

John M. Taylor and George Anderson, Individually and Trading as Taylor & Anderson Towing and Lighterage Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

885

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

And it is further ordered that the order of April 22, 1946, denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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A. B. Frank Company,

Petitioner,

vs.

The United States.

On petition for writ of certiorari to The Court of Claims,

981

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is

ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Michael P. Jordan, Petitioner, vs. Federal Farm Mortgage Corporation, et al.

1007

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Texas, Petitioner, vs. Alberto Balli et al.

1049

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hector Crandall, Petitioner, vs. Alberto Balli et al.

1050

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Kernel Hughes et al., Petitioners,

1051 vs.

Alberto Balli et al.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Meyer Eastman, alias "Meyer Esstman and Dave Marglous", Petitioner,

1068 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Great Lakes Dredge & Dock Company, Petitioner,

1069 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

C. A. Moffitt, alias Carvel N. Moffitt,
Petitioner,
1112 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration or decision of this application.

County of Marin, State of California,
Petitioner,
1113 vs.
James S. Pedretti, Also Known as Stephen Pedretti, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Hastings Manufacturing Company,
Petitioner,
1127 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration or decision of this application.

R. R. Stone, Trading as Stone Towing Line, Charterer, pro hac vice of Gas Screw Tug Stone 6,

Petitioner,

1137 vs.

Diamond Steamship Transportation Corporation and Texas Gulf Sulphur Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Anton Ivusich,

Petitioner,

1146 vs.

Cunard White Star, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Leon S. Dure, Trustee of the Georgia, Florida & Alabama Railroad Company, et al.,

Petitioners,

1186 vs.

Otis A. Glazebrook, Jr., et al., Constituting the Reorganization Committee of the Seaboard Air Line Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Century Indemnity Company,

Petitioner,

1199 vs.

Duncan C. Arnold and Margaret C. Galbreath.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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George F. Driscoll Company,

Petitioner,

1034 vs.

The United States.

ON CONSIDERATION of the motion of Allen Hope for leave to file as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

George F. Driscoll Company,

Petitioner,

1034 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Goldblatt Bros., Inc.,

Petitioner,

1126 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the motion to dispense with printing the record on prior certiorari proceedings in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Goldblatt Bros., Inc., Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1126 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ivy Landreth,

Petitioner,

1139 vs.

Wabash Railroad Company.

ON CONSIDERATION of the motion of United Railroad Workers of America, C.I.O., for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Ivy Landreth,
Petitioner,
1139 vs.
Wabash Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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George W. Van Horn,
Petitioner,
765 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Victor J. Evans,
Petitioner,
744 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Julius Boust, Petitioner,

808 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George W. Van Horn, Petitioner,

910 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Clay County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. O. Spaulding, Petitioner,

958 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Nolan,
Petitioner,
1100 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lee Frier,
Petitioner,
1125 vs.
Federal Crop Insurance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Dwight S. Corey,
Petitioner,
1138 vs.
The People of the State of New York.

On petition for writ of certiorari to the County Court of [illegible] County, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ray Beshears,
Petitioner,
1156 vs.
Walter Wierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Elmer Davis,
Petitioner,
1169 vs.
State of Indiana.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Cecil C. Crebs,
Petitioner,
1188 vs.
R. H. Hudspeth, Warden of the Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Samuel R. Toucey, Petitioner,

1189 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Peter Joseph Kajatek, Petitioner,

1205 vs.

State of New York.

On petition for writ of certiorari to the County Court, Onondaga County, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Merle Cecil Phillips, Petitioner,

1217 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Wallace Phillips, Petitioner, vs. Joseph L. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1225

On petition for writ of certiorari to the Circuit Court of Edgar County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, It is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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M. E. Heiser, Petitioner, vs. Willie May Woodruff, et al.

496

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

First Iowa Hydro-Electric Cooperative, Petitioner, vs. Federal Power Commission et al.

603

A petition for rehearing having been filed in this case by the State of Iowa,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Rose Mary Nash,

Petitioner,

1016 vs.

Commissioner of Internal Revenue; and

C. Lester Nash,

Petitioner,

1017 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in these causes,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mike Marvich,

Petitioner,

1041 vs.

The People of the State of California et al.

A petition for rehearing having been filed in this cause,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Uldric Thompson, Jr.,

Petitioner,

68 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the petition for rehearing in said cause,

IT IS ORDERED that the said motion for leave to file be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Burton and Mr. Justice Jackson took no part in the consideration or decision of these applications.

Allen Pope,

Petitioner,

520 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the petition for rehearing in this case,

IT IS ORDERED that the said motion for leave to file be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

Joseph A. Farrell,

Petitioner,

796 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the petition for rehearing in this case,

IT IS ORDERED that the said motion for leave to file be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

The Autocar Sales and Service Company,

Petitioner,

967 vs.

A. G. Leonard, et al., etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and of the petition for rehearing in this case,

IT IS ORDERED that the said motion for leave to file be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

Canadian River Gas Company,

Petitioner,

819 vs.

Joseph T. Higgins, Formerly United States Collector of Internal Revenue for the Third District of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case out of time and of the petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

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The Court will take a recess from today until Monday, June 3, 1940, on which day it will adjourn for the term unless otherwise ordered.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Proclamation being made the Court is adjourned until Monday, June 3, 1940, at

MONDAY, JUNE 3, 1946.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General J. Howard McGrath, It is ordered that Edward H. Hickey, Esquire, of Boston, Commonwealth of Massachusetts; William M. Fay, Esquire, of Washington, District of Columbia; and Robert T. Murphy, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde Gilman Doyle, It is ordered that Charles J. Wendland, Esquire, of Los Angeles, State of California, and Harry William Elliott, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Robert Emmett Fredricks, Esquire, of Jamestown, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Wolverton, It is ordered that John Russell Whitney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Philip C. Brownell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milford [illegible]. Meyer, It is ordered that Harry G. Fuerst, Esquire, of Cleveland, State of Ohio, and Leo Curtis Frenna, Esquire, of Minier, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd N. Cutler, It is ordered that Sanford H. Bolz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Georgina J. Bingert, It is ordered that Eleanor Claggett Guthridge, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William [illegible]. Paisley, It is ordered that Nathan R. Graham, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Cecelia [illegible]. Thornton, It is ordered that Norman M. M. Green, Esquire, of Staten Island, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry [illegible]. Shriver, It is ordered that William Allen Mellan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley M. Fischer, It is ordered that Abraham J. Platt, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon I. Peyton, It is ordered that William T. Crasty, Esquire, of Staunton, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene H. BeHage, It is ordered that Edna Frances Guise, of Des Moines, State of Iowa, and Mary D. Wendt, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Misses)

On motion first made to the Court in this behalf by Mr. Joseph Low, It is ordered that Benjamin Paul Goldman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Delmar W. Holloman, It is ordered that Forrest F. McCluney, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix Earl Hagler, It is ordered that Edward M. Lowrance, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph H. Dwan, It is ordered that Robert C. Whitley, Esquire, of Winston-Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Allan D. Montgomery, Esquire, of Wichita Falls, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that Frank L. Whitaker, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin Warren Bell, It is ordered that Joseph [illegible], Esquire, of [illegible], District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Henri Neale, It is ordered that Hudson Raymond Cox, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer La Roe, Jr., It is ordered that Samuel L. [illegible], Esquire, of [illegible], District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. [illegible] Abre, It is ordered that Stephen L. Sutterley, Esquire, of Inglewood, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Prudential Insurance Company, Appellant, vs. L. George Benjamin, as Insurance Commissioner of the State of South Carolina.

707

Appeal from the Supreme Court of the State of South Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Mr. Justice [illegible] delivered the opinion of the Court.

Mr. Justice Black concurs in the result.

Mr. Justice Jackson took no part in the consideration or decision of this case.

F. O. Robertson,

Appellant,

274 vs.

The People of the State of California.

Appeal from the Superior Court of Ventura County, State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Ventura County, State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Rutledge.

Opinion by Mr. Justice Douglas dissenting in part.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Paul A. Porter, Administrator, Office of Price Administration,

Petitioner,

795 vs.

Warner Holding Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Reed and Mr. Justice Frankfurter join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

MONDAY, JUNE 9, 1941 - ORDERS

John D. Pennekamp and The Miami Herald Publishing Company,

Petitioners,

473 vs.

The State of Florida.

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinions by Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Irene Morgan,

Appellant,

704 vs.

Commonwealth of Virginia.

Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinions by Mr. Justice Black and Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States,

Petitioner,

809 vs.

Robert Morss Lovett;

The United States,

Petitioner,

810 vs.

Goodwin B. Watson; and

The United States,

Petitioner,

811 vs.

William E. Dodd, Jr.

On writs of certiorari to the Court of Claims.

THESE CAUSES came on to be heard on the transcript of the record from the Court of Claims, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in these causes be, and the same is hereby, affirmed.

[illegible]er Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins.

Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

Clay Marley,

Appellant,

1240 vs.

The People of the State of California.

Appeal from the Superior Court of Los Angeles County, Appellate Department, State of California.

THIS CAUSE came on to be heard on the transcript of the record fro the Superior Court of Los Angeles County, Appellate Department, State California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this the appeal herein be, and the same is hereby, dismissed for the want substantial federal question.

Per Mr. Justice Black.

Dissenting: Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or of this case.

In the Matter of the Dominion of Canada, Owner of the Park Steamship Company, Limited, and the Steamship "Cornish Park,"

123, Misc. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition writ of mandamus or prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the is hereby, denied.

Per Mr. Justice Black.

Dissenting: Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or decision of this application.

In the Matter of Refrigeration Patents Corporation,

125, Misc. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition or mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Davis Sheridan,

Petitioner,

126, Misc. vs.

Ralph H. Benson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Gospel Army, a Corporation,

Appellant,

1216 vs.

The City of Los Angeles, Board of Social Service Commissioners, Department of Social Service, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

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Indemnity Insurance Company of North America,

Petitioner,

1145 vs.

Bayard I. Reisley, as Trustee in Bankruptcy of A. L. Hartridge Company, Incorporated, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

Joseph A. Jordan,
Petitioner,
vs.
Paul A. Porter, Price Administrator.

1147

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Epstein,
Petitioner,
vs.
The United States of America.

1148

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George A. Earnshaw,
Petitioner,
vs.
The United States of America.

1150

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The E. C. Schroeder Company, Incorporated, Petitioner,

1180 vs.

M. L. Clifton, for Himself and as Agent for M. M. Avery, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

M. L. Clifton, et al., Petitioners,

1237 vs.

E. C. Schroeder Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Frank Rymarkiewicz, Petitioner,

1203 vs.

Pittsburgh Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Ginsburg,

Petitioner,

1210 vs.

Charles M. Sachs, William C. McGldowney and Max Perlman.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Howard F. Bishop,

Petitioner,

1228 vs.

Bankers Building, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Sylvania Industrial Corporation and Sylvan Plastics, Inc.,

Petitioners,

1239 vs.

Libbey-Owens-Ford Glass Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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D. M. Carothers, Doing Business as Allright Auto Park, et al.,

Petitioners,

1090 vs.

Chester Bowles, Administrator, Office of Price Administration.

ON CONSIDERATION of the motion to substitute Paul A. Porter, present Price Administrator, as the party respondent in this case in place of Chester Bowles, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the cause of action is so continued and maintained.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

D. M. Carothers, Doing Business as Allright Auto Park, et al.,

Petitioners,

1090 vs.

Paul A. Porter, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Randolph Phillips,

Petitioner,

1160 vs.

Securities and Exchange Commission and the United Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the con-

H. Dulany Mitchell,
Petitioner,
828 vs.
Walter A. Hunter, Warden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Eugene Cable and Philippine Cross Cable,
Petitioners,
1093 vs.
Frank C. Walker, as Postmaster General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration and decision of this application.

C. M. Joyce,
Petitioner,
1128 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Howard M. Higley, Petitioner,

1208 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court, Onondaga County, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Michael F. Julian, Petitioner,

1214 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court, Chemung County, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clarence Whitehead, Petitioner,

1222 vs.

J. Vernel Jackson, as Warden of Clinton Prison, Dannemora, N. Y.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

David Barr,
Petitioner,
vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

In petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

1236

IN CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration of this application.

Ralph Russell Seninger,
Petitioner,
vs.
People of the State of New York.

In petition for writ of certiorari to the County Court of Delaware County, State of New York.

1238

IN CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration of this application.

John T. Leslie,
Petitioner,
vs.
The People of the State of New York.

In petition for writ of certiorari to the County Court of Erie County, State of New York.

1239

IN CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Mr. Justice Jackson took no part in the consideration of this application.

William J. Buckley,

Petitioner,

1257 vs.

The People of the State of New York.

On petition for writ of certiorari to the Appellate Division, 4th Department, State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harry Holderfield,

Petitioner,

1261 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Thomas Peeley,

Petitioner,

1262 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Roy [illegible],

Petitioner,

894 vs.

W. C. Parker, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mattie Bradey, as Administratrix of the Estate of Marion Thomas Bradey, Deceased,

Petitioner,

622 vs.

The United States of America, as Represented by War Shipping Administration.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case out of time and of the petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

Charles O'Neil,

Petitioner,

985 vs.

Cornelius J. Burke, Warden, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case and of the second petition for rehearing,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted, and that the second petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Court will take a recess from today until Monday, June 10, next, on which day it will adjourn for the term unless otherwise ordered.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Wiley Rutledge,
Harold H. Burton.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Joe Hess, Esquire, of Dallas, State of Texas; John A. Black, Jr., Esquire, of Houston, State of Texas; Edward H. Hardy, Esquire, of Richmond, Commonwealth of Virginia; Randolph M. Jackson, Esquire, of Hillsboro, State of Texas; and William M. Blackwell, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that James I. Dolliver, Esquire, of Fort Dodge, State of Iowa, and Charles B. Hoeven, Esquire, of Alton, State of Iowa, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marx Leva, It is ordered that James K. Abercrombie, Esquire, of Visalia, State of California; George Sutherland Elmore, Esquire, of Washington, District of Columbia; and Louis Henkin, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kelly Kash, It is ordered that W. A. Stanfill, Esquire, of Hazard, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that James H. Donaldson, Esquire, of New Rochelle, State of New York; Philip M. Lorber, Esquire, of New York, State of New York; and Dorothea E. Donaldson, of New Rochelle, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Hugh Ownby, Esquire, of Tulsa, State of Oklahoma, and Frank B. Bird, Esquire, of Knoxville, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald R. Richberg, It is ordered that Norman E. Visdal, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Morris Fay, It is ordered that Michael H. Sheridan, Esquire, of Wilkes-Barre, Commonwealth of Pennsylvania, and Robert J. Wieferich, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Ray J. O'Brien, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that Garfield A. Roberds, Esquire, of Olathe, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Lyle, Jr., It is ordered that Robert Carroll Van Ness, Esquire, of Corpus Christi, State of Texas, and J. R. Sorrell, Esquire, of Corpus Christi, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Ralph P. Lawson, Esquire, of Cheboygan, State of Michigan; Kenneth B. Chase, Esquire, of Sheboygan, State of Wisconsin; and Robert Marks, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen Holbrook Beach, It is ordered that Joe R. Johnson, Jr., Esquire, of Clinton, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Gardner, It is ordered that James Bennett Osborne, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester Wallack Oliver, It is ordered that Charles W. L. Summerill, Esquire, of Clinton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis N. Slack, It is ordered that Dudley H. Nebeker, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Norman D. Cann, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Q. Baxter Warner, It is ordered that Henry Clyde Westin, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that Elliott R. Katz, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Vincent Scott, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Sturner, It is ordered that William T. Lowry, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Fruenchenicht, It is ordered that Donald T. Ruby, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving M. Gruber, It is ordered that Benjamin Metviner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Marshall Boyle, Jr., It is ordered that John Oliver Stigall, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Robertson, It is ordered that Louis Robertson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that Herman C. Biegel, Esquire, of Washington, District of Columbia; C. Elmer Bown, Esquire, of Pittsburgh, Commonwealth of Pennsylvania; and Thomas J. Munsch, Jr., Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Patrick, It is ordered that Morris Bernard Gutt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Carey, It is ordered that Job Taylor, II, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neville Miller, It is ordered that Joseph E. Warren, Esquire, of Mayfield, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen I. Zetterberg, It is ordered that Robert E. Mullin, Esquire, of Hospers, State of Iowa, and Philip A. Singleton, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley M. Silverberg, It is ordered that John Maxwell Friedman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Francis Hayden, It is ordered that James Skelly Wright, Esquire, of New Orleans, State of Louisiana, and John L. Ingoldsby, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert F. Davis, It is ordered that William J. Daly, Jr., Esquire, of New York, State of New York, and Jack C. Davis, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The American Tobacco Company, American Suppliers, Inc., George Washington Hill, et al.,

Petitioners,

18 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Kentucky.

Per Mr. Justice Burton.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this case.

Liggett & Myers Tobacco Company, et al.,

Petitioners,

19 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Kentucky.

Per Mr. Justice Burton.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this case.

R. J. Reynolds Tobacco Company, William N. Reynolds, S. Clay Williams, James A. Gray, et al., Petitioners, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

20

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Kentucky.

Per Mr. Justice Burton.

Concurring opinion by Mr. Justice Rutledge.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Appellant, vs. Sheldon Maurice Anderson. — Appeal from the District Court of the United States for the Western District of Washington.

447

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Cecil I. Hust, Petitioner, vs. Moore-McCormack Lines, Inc.

On writ of certiorari to the Supreme Court of the State of Oregon.

625

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Frankfurter and Mr. Justice Burton join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Gus Kotteakos and Michael Lekacos, Petitioners, vs. The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

457

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Black concurs in the result.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Reed joins.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Nathan Regenbogen, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

458

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Black concurs in the result.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Reed joins.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Steve Anderson, Earl Trombley, Lillian Socia, et al., Petitioners, vs. Mt. Clemens Pottery Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

342

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Burton in which Mr. Justice Frankfurter concurs.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Jack Davis, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

404

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy concurs.

Dissenting opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Edward F. Zap, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

489

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Verna Mae Bihn,
Petitioner,
675 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Burton join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

W. Daniel Pinkerton and Walter G. Pinkerton,
Petitioners,
719 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Alabama.

Per Mr. Justice Douglas.

Opinion by Mr. Justice Rutledge dissenting in part.

Mr. Justice Frankfurter, reserving judgment on the question of double jeopardy, agrees in substance with the views expressed in the dissent of Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Paul Knauer,

Petitioner,

510 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Wisconsin.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Kenneth W. Colegrove, Peter J. Chamales and Kenneth C. Sears,

Appellants,

804 vs.

Dwight H. Green, as a Member, Ex-officio of the Primary Certifying Board of the State of Illinois, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court dismissing the complaint in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Mr. Justice Reed and Mr. Justice Burton concur in the opinion of Mr. Justice Frankfurter.

Opinion by Mr. Justice Rutledge concurring in the result.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Universal Oil Products Company, Petitioner, vs. Root Refining Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

48

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals dated December 29, 1944, allowing J. Bernhard Thiess and Thorley Von Holst, Esquires, amici curiae, certain fees and costs herein, be, and the same is hereby, reversed. Costs in this Court are to be taxed against the attorneys, amici curiae, J. Bernhard Thiess and Thorley Von Holst.

IT IS FURTHER ordered that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals for the entry of a judgment in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Black concurs in the narrower ground of the opinion.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration of this case.

Universal Oil Products Company, Petitioner, vs. Root Refining Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

64

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed at the cost of Universal Oil Products Co.; and that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Julius Fisher,

Petitioner,

122 vs.

The United States of America.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

Dissenting opinion by Mr. Justice Rutledge.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, Trustee, etc., et al.,

Petitioners,

278 vs.

The Denver and Rio Grande Western Railroad Company, et al.;

Reconstruction Finance Corporation, Insurance Group Committee, Central Hanover Bank and Trust Company, Trustee, etc., et al.,

Petitioners,

279 vs.

The Denver and Salt Lake Western Railroad Company, et al.;

Reconstruction Finance Corporation,
Insurance Group Committee, Central
Hanover Bank and Trust Company,
Trustee, etc., et al.,

Petitioners,

280 vs.

City Bank Farmers Trust Company, Trustee,
et al.;

Reconstruction Finance Corporation,
Insurance Group Committee, Central
Hanover Bank and Trust Company,
Trustee, etc., et al.,

Petitioners,

281 vs.

The Denver and Rio Grande Western
Railroad Company, et al.;

Reconstruction Finance Corporation,
Insurance Group Committee, Central
Hanover Bank and Trust Company,
Trustee, etc., et al.,

Petitioners,

282 vs.

Guy A. Thompson, Trustee, et al.

On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THESE CAUSES came on to be heard on the transcript of the record from the Circuit Court of Appeals for the Tenth Circuit, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals, in these causes, be, and the same is hereby, reversed with costs. The orders of the District Court for the District of Colorado of October 25, 1943, approving the reorganization plan herein, and of November 29, 1944, confirming the plan, are affirmed.

IT IS FURTHER ORDERED that these causes be, and the same are hereby, remanded to the District Court of the United States for the District of Colorado for further proceedings.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of these cases.

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The following orders were not announced orally by Mr. Justice Black but appear on the list certified by him and filed with the Clerk:

Samuel Perlstein,
Petitioner,
vs.
William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylvania.

629

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that this case is moot, it is, therefore, ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this order.

The Prudential Insurance Company of America,
Appellant,
vs.
Charles F. Hobbs, Insurance Commissioner of the State of Kansas.

789

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Aetna Insurance Company,
Appellant,
vs.
Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas.

790

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

American Indemnity Company, Appellant, vs. Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas. — Appeal from the Supreme Court of the State of Kansas.

791

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Pacific Mutual Life Insurance Company, Appellant, vs. Charles F. Hobbs, as Commissioner of Insurance of the State of Kansas. — Appeal from the Supreme Court of the State of Kansas.

792

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

John L. Wilson,

Petitioner,

987 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to Question I in the Government's brief.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John L. Wilson,

Petitioner,

987 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for resentence of petitioner.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Prudential Insurance Company of America,

Appellant,

1085 vs.

The State of Indiana.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

West Publishing Company,
Appellant,
vs.
Chas. J. McColgan, Franchise Tax Commissioner of the State of California.

Appeal from the Supreme Court of the State of California.

1255

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

IT IS FURTHER ORDERED AND ADJUDGED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Admiral Dewey Adamson,
Appellant,
vs.
People of the State of California.

1209

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Admiral Dewey Adamson,

Appellant,

1209 vs.

People of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

J. Tom Watson, as Attorney General of the State of Florida,

Complainant,

No.___, Original vs.

Chester Bowles, Economic Stabilization Director, Paul A. Porter, Price Administrator, and John D. Small, Civilian Production Administrator.

ON CONSIDERATION of the motion for leave to file the bill of complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

The United States of America, Interstate Commerce Commission, et al.,

Appellants,

No.___ vs.

The States of New York, Delaware, et al.

ON CONSIDERATION of the motion of counsel for the appellants to vacate the injunction of the District Court of the United States for the Northern District of New York entered herein May 27, 1946, pending appeal to this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

The United States of America,

Complainant,

12, Original vs.

The State of California.

This cause is set for argument on the pleadings.

Per Mr. Justice Black.

Liggett & Myers Tobacco Company,
et al.,

Petitioners,

19 vs.

The United States of America; and

R. J. Reynolds Tobacco Company,
William N. Reynolds, S. Clay Williams,
et al.,

Petitioners,

20 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for petitioners for leave to file petition for enlargement of the scope of review in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this motion.

D. A. Schulte, Inc.,

Petitioner,

517 vs.

Salvatore Gangi, Suing on Behalf of
Himself and Other Employees Similarly
Situated.

It is ordered that the concluding paragraph of the dissenting opinion of Mr. Justice Frankfurter, announced April 29, 1946, be expunged.

Per Mr. Justice Black.

Admiral Dewey Adamson,

Appellant,

1209 vs.

People of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this question.

J. Tom Watson, as Attorney General of the State of Florida,

Complainant,

No.___, Original vs.

Chester Bowles, Economic Stabilization Director, Paul A. Porter, Price Administrator, and John D. Small, Civilian Production Administrator.

ON CONSIDERATION of the motion for leave to file the bill of complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

The United States of America, Interstate Commerce Commission, et al.,

Appellants,

No.___ vs.

The States of New York, Delaware, et al.

ON CONSIDERATION of the motion of counsel for the appellants to vacate the injunction of the District Court of the United States for the Northern District of New York entered herein May 27, 1946, pending appeal to this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

The United States of America,

Complainant,

12, Original vs.

The State of California.

This cause is set for argument on the pleadings.

Per Mr. Justice Black.

Liggett & Myers Tobacco Company,
et al.,

Petitioners,

19 vs.

The United States of America; and

R. J. Reynolds Tobacco Company,
William M. Reynolds, S. Clay Williams,
et al.,

Petitioners,

20 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for petitioners for leave to file petition for enlargement of the scope of review in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this motion.

D. A. Schulte, Inc.,

Petitioner,

517 vs.

Salvatore Gangi, Suing on Behalf of
Himself and Other Employees Similarly
Situated.

It is ordered that the concluding paragraph of the dissenting opinion of Mr. Justice Frankfurter, announced April 29, 1946, be expunged.

Per Mr. Justice Black.

Harice LeRoy Carter,

Petitioner,

764 vs.

The People of the State of Illinois.

It is ordered that Stephen A. Mitchell, Esquire, of Chicago, Illinois, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

Per Mr. Justice Black.

United States,

Petitioner,

914 vs.

Paul David Sheridan.

It is ordered that John H. Pickering, Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the respondent in this case.

Per Mr. Justice Black.

United Brotherhood of Carpenters and Joiners of America,

Petitioner,

9 vs.

United States;

The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America, et al.,

Petitioners,

10 vs.

United States;

Lumber Products Association, Inc., Acme Manufacturing Co., et al.,

Petitioners,

11 vs.

United States;

Alameda County Building and Construction Trades Council,

Petitioner,

12 vs.

United States; and

Boorman Lumber Company, Hogan Lumber Company, Loop Lumber & Mill Company, et al.,

Petitioners,

13 vs.

United States.

These cases are restored to the docket for reargument.

Per Mr. Justice Black.

Dr. Furman Angel,

Petitioner,

540 vs.

W. H. Bullington.

This case is restored to the docket for reargument.

Per Mr. Justice Black.

Peter Resco,

Petitioner,

127, Misc. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or [illegible]

Leo Bailey,

Petitioner,

130, Misc. vs.

Frank Stoutamire, Sheriff.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

United States ex rel. Chester F. James,

Petitioner,

128, Misc. vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

United States ex rel. Medio Mancione,

Petitioner,

129, Misc. vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Allen Pope,

Petitioner,

131, Misc. vs.

The Chief Justice and Associate Judges of the Court of Claims.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Walter P. Gardner, Trustee of the Central Railroad Company of New Jersey,

Petitioner,

1143 vs.

The State of New Jersey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

And it is further ordered that the order of May 20, 1946, denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Trailmobile Company and International Union, United Automobile, Aircraft, and Agricultural Workers of America, U.A.W. - C.I.O. Local No. 392,

Petitioners,

1099 vs.

Lawrence Whirls.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Harris,

Petitioner,

700 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pan American Airways Corporation and Pan American Airways, Inc.,

Petitioners,

1251 vs.

W. R. Grace & Co., Civil Aeronautics Board, Eastern Air Lines, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Eastern Air Lines, Inc., Order allowing certiorari.

Petitioner,

1258 vs.

W. R. Grace & Co., Civil Aeronautics Board, Pan American Airways Corporation, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mariano Uyeki, Order allowing certiorari.

Petitioner,

1306 vs.

Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific.

The petition herein for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mariano Uyeki,

Petitioner,

1306 vs.

Lieutenant General Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific.

ORDER

A petition for writ of certiorari having been granted in this case,

it is ordered that all further proceedings in this matter be stayed pending the final disposition of this case by this Court.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this order.

Julius A. Krug, Secretary of the Interior, et al.,

Petitioners,

1192 vs.

Santa Fe Pacific Railroad Company; and

Julius A. Krug, Secretary of the Interior, et al.,

Petitioners,

1193 vs.

Santa Fe Pacific Railroad Company.

ON CONSIDERATION of the motion to substitute Oscar L. Chapman, present Under Secretary of the Interior, as a party petitioner in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the causes of action be so continued and maintained.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Julius A. Krug, Secretary of the Interior, et al., Order allowing certiorari.

Petitioners,

1192 vs.

Santa Fe Pacific Railroad Company.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Julius A. Krug, Secretary of the Interior, et al., — Order allowing certiorari.

Petitioners,

1193 vs.

Santa Fe Pacific Railroad Company.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. David Goodman, — Order allowing certiorari.

Petitioner,

1227 vs.

Major General T. G. Hearn, Commanding General of Camp Wheeler, Georgia.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, limited to the third and fourth questions in the petition for writ of certiorari. The case is transferred to the summary docket and assigned for argument immediately following Nos. 947-948.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Louisiana ex rel. Willie Francis,

Petitioner,

1302 vs.

E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

State of Louisiana ex rel. Willie Francis, Order allowing certiorari

Petitioner,

1302 vs.

E. L. Resweber, Sheriff of the Parish of St. Martin, Louisiana, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of Louisiana is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Koa Gora, On petition for writ of certiorari

Petitioner, to the United States Circuit Court

951 vs. of Appeals for the Ninth Circuit.

Territory of Hawaii.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Rudolph Mejia, et al., Petitioners, vs. The United States of America.

1142 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATI of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Sax and Rose Elizabeth Rohmer, Petitioners, vs. Commissioner of Internal Revenue.

1151 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Portland Tug & Barge Company, a Corporation, Petitioner, vs. Upper Columbia River Towing Company, a Corporation, Claimant of the Diesel Tug "Megler", et al.

1153 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Safeway Stores, Incorporated,
Petitioner,
1161 vs.
Paul A. Porter, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

J. R. McLeod,
Petitioner,
1170 vs.
The City of Jackson, Mississippi, a Municipal Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Birch Ranch and Oil Company,
Petitioner,
1171 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Guiseppe Bozzo Fu Lorenzo, as Owner of the Steam Vessel "Antoinetta," Her Engines, Boilers, etc., Petitioner, vs. The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1172

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

A. T. Rosasco, as Owner of the Steam Vessel "Santa Rosa," Her Engines, Boilers, etc., Petitioner, vs. The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1173

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Mariano Maresca and Company, as Owner of the Steam Vessel "Mar Glauco," Her Engines, Boilers, etc., Petitioner, vs. The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1174

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

"Italia" - Societa Anonima Di Navigazione, as Owner of the Steam Vessel "Belvedere," Her Engines, Boilers, etc.,

Petitioner,

1175 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Societa Anonima Cooperative Di Navigazione Garibaldi, as Bailee of the Italian Vessel "Brennero," Her Engines, Boilers, etc.,

Petitioner,

1176 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

"Italia" - Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Alberta," Her Engines, Boilers, etc.,

Petitioner,

1177 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

"Italia" - Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Aussa," Her Engines, Boilers, etc., Petitioner, vs. The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1178

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

"Italia" - Societa Anonima Di Navigazione, as Owner of the Italian Vessel "Arsa," Her Engines, Boilers, etc., Petitioner, vs. The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1179

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Homer L. Loomis, Petitioner, vs. The United States of America and Leo J. Crowley, Alien Property Custodian of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1223

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert E. Dineen, Superintendent of Insurance of the State of New York, as Liquidator of Lawyers Mortgage Company,

Petitioner,

1182 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bertha Friend, Middle Atlantic Transportation Company and Milburn Martin,

Petitioners,

1187 vs.

Fred J. Friend.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Pete Golson,

Petitioner,

1190 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The People of the State of Illinois ex rel. Charles A. Pusch,

Petitioner,

1191 vs.

Michael F. Mulcahy, Sheriff of Cook County, Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John A. Johnson & Sons, Inc. and American Surety Company of New York,

Petitioners,

1195 vs.

The United States of America to the Use of the Baltimore Brick Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John A. Johnson & Sons, Inc. and American Surety Company of New York,

Petitioners,

1196 vs.

Jacob Friedman, Trading as J. Friedman Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

West Kentucky Coal Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

1198

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

W. D. Haden Company, Petitioner, vs. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

1202

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Annie Moore, as Administratrix of the Goods, Chattels and Credits of William J. Simpson, Deceased, Petitioner, vs. Atlantic Coast Line Railroad Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1213

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Max D. Gustin, Administrator of the Estate of William Duncan Graham, Deceased,

Petitioner,

1215 vs.

Sun Life Assurance Company of Canada.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Forest E. Levers, Administrator of the Assets of a Partnership, etc.,

Petitioner,

1231 vs.

A. V. Anderson, District Supervisor, Alcohol Tax Unit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The E. L. Essley Machinery Company,

Petitioner,

1233 vs.

The Delta Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Baltimore & Ohio Chicago Terminal Railroad Company, a Corporation,

Petitioner,

1247 vs.

William W. Howard.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Denver & Rio Grande Western Railroad Company,

Petitioner,

286 vs.

Reconstruction Finance Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor,

Petitioner,

291 vs.

Reconstruction Finance Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Lola Brooks, Administratrix of the Estate of F. S. Brooks, Deceased,

Petitioner,

1108 vs.

St. Louis-San Francisco Railway Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John E. Dikis, as Administrator of the Estate of Robert E. Lee, Deceased, et al.,

Petitioners,

1109 vs.

St. Louis-San Francisco Railway Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

St. Louis-San Francisco Railway Company, Debtor,

Petitioner,

1110 vs.

The Chase National Bank of the City of New York and John A. Aid, Trustees, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

St. Louis-San Francisco Railway Company, Debtor,

Petitioner,

1111 vs.

The Chase National Bank of the City of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Theodore Karl Siegel,

Petitioner,

873 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Constantinos Karpathiou,

Petitioner,

1201 vs.

Andrew Jordon, District Director of Immigration and Naturalization, Chicago District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert Lieberman, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1218

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Irving Malbin, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1219

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Federal Land Bank of Spokane, et al., Petitioners, vs. S. P. Beecher. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1229

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George F. Fish, Inc. and Michael Simon, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1238

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The Kar Engineering Company, Inc., Petitioner, vs. Brown & Sharpe Manufacturing Company and James Neill & Co. (Sheffield), Limited. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

1241

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Stanley J. Klein, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

1284

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richard Shew, Petitioner,
1285 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Richmond Screw Anchor Co., Inc., Petitioner,
1304 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Millard George Green, Petitioner,
1040 vs.
The State of Oklahoma.

ON CONSIDERATION of the motion to dispense with printing the petition, brief, and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

Millard George Green,

Petitioner,

1040 vs.

The State of Oklahoma.

On petition for writ of certiorari to the Criminal Court of Appeals, State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court of Appeals, State of Oklahoma, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

R. E. Schreffler, Doing Business as Schreffler Steel & Supply Co., et al.,

Petitioners,

1124 vs.

Chester Bowles, Administrator, Office of Price Administration.

ON CONSIDERATION of the motion to substitute Paul A. Porter, present Price Administrator, as the party respondent in this case in place of Chester Bowles, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the cause of action is so continued and maintained.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this motion.

R. E. Schreffler, Doing Business as Schreffler Steel & Supply Co., et al.,

Petitioners,

1124 vs.

Paul A. Porter, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry L. Saunders,

Petitioner,

916 vs.

Ralph E. Wilkins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Douglas is of the opinion that the petition should be granted.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Randolph Phillips, et al.,

Petitioners,

1220 vs.

The Baltimore and Ohio Railroad Company; and

Jane Crozier, Roberta Giesecke, and Harriet M. Ackert,

Petitioners,

1221 vs.

The Baltimore and Ohio Railroad Company.

ON CONSIDERATION of the motions to dispense with printing the record in these cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of these motions.

Randolph Phillips, et al.,
Petitioners,
1220 vs.
The Baltimore and Ohio Railroad Company.

On petition for writ of certiorari to the District Court of the United States for the District of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the District of Maryland, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jane Crozier, Roberta Giesecke and Harriet M. Ackert,
Petitioners,
1221 vs.
The Baltimore and Ohio Railroad Company.

On petition for writ of certiorari to the District Court of the United States for the District of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the District of Maryland, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Manning Strewl,
Petitioner,
756 vs.
Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Lee Snyder, Petitioner, vs. The United States of America. 886 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

S. P. Beecher, Petitioner, vs. Federal Land Bank of Spokane, et al. 1055 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

S. P. Beecher, Petitioner, vs. Federal Land Bank of Spokane, et al. 1230 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America ex rel. Martin J. Durkin,

Petitioner,

1107 vs.

William H. McDonnell, United States Marshal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Herbert Wilson,

Petitioner,

1144 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Billy Bernard Bledsoe,

Petitioner,

1155 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision

J. Vincent Murphy, Petitioner, vs. Mary Murphy, Also Known as Mary Nicklas. — On petition for writ of certiorari to the Supreme Court of the State of Florida.

1162

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Theodore James Audett, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

1206

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jesse Sanford, Petitioner, vs. The State of Missouri. — On petition for writ of certiorari to the Supreme Court of the State of Missouri.

1211

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Fred Ellis,

Petitioner,

1212 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

United States of America ex rel. David Goodman,

Petitioner,

1235 vs.

Major Hugh L. Roberts, Commanding Officer of the United States Armed Forces, Induction Center, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph D. Medley,

Petitioner,

1242 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

E. J. Roberts, Petitioner, vs. G. P. Bowman, Superintendent, Virginia State Penitentiary Lime Plant, Staunton, Virginia.

1265 On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

George Small, Petitioner, vs. Blakely R. Webster, Superintendent, Dannemora State Hospital, Dannemora, New York.

1266 On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles Michael La Placa, Petitioner, vs. The People of the State of New York.

1267 On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert La Ravearl, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

1273

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harold Ray, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

1274

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry Robinson, Petitioner, vs. People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1275

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chester F. James, Petitioner,
1276 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Chester F. James, Petitioner,
1277 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Edward J. Kruse, Petitioner,
1278 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry Willa Rusk, Jr., Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

1279

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Gene McCann, Petitioner, vs. James E. Mulcahy, United States Marshal for the Southern District of New York, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1280

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Leo Michalowski, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois.

1288

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Leo Michalowski,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1289

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Medio Mancione,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Criminal Court of Cook County, State of Illinois.

1290

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Eddie Duncan,

Petitioner,

vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1296

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

James Clouse,

Petitioner,

1297 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Circuit Court of Clark County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Omar V. Longtin,

Petitioner,

1299 vs.

Walter Niersteimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Circuit Court of Kankakee County, State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed in forma pauperis be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Bertha Florence Sabin and M. R. Sabin,

Petitioners,

952 vs.

Home Owners' Loan Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Joseph Ago Stassi,

Petitioner,

971 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Corrine Sykes, alias Heloise T. Parker,

Petitioner,

1020 vs.

The Commonwealth of Pennsylvania.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

P. A. Gillespie,

Petitioner,

1033 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

State of Texas,

Petitioner,

1049 vs.

Alberto Balli, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Metallizing Engineering Co., Inc.,

Petitioner,

1092 vs.

Kenyon Bearing & Auto Parts Co., Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John Knudsen,

Petitioner,

1097 vs.

Arthur Stegman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Bruce Borrelli,

Petitioner,

1115 vs.

The State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Samuel R. Toucey,

Petitioner,

1189 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paul Ginsburg,

Petitioner,

1210 vs.

Charles H. Sachs, William C. McEldowney and Max Perlman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Uldric Thompson, Jr.,

Petitioner,

68 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Burton took no part in the consideration or decision of this application.

Wesley W. West,

Petitioner,

667 vs.

Commissioner of Internal Revenue;

J. Marion West,

Petitioner,

668 vs.

Commissioner of Internal Revenue;

Estate of J. M. West, Deceased, James M. West, Jr., et al., Executors,

Petitioners,

669 vs.

Commissioner of Internal Revenue; and

Jessie Gertrude West,

Petitioner,

670 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in these cases and of the third petition for rehearing;

IT IS ORDERED by this Court that the motion for leave to file be, and the same is hereby, granted, and that the third petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

Harry J. Alker, Jr., and Mamie Du Ban,
Individually and as Executrix of the
Estate of Alfred A. Du Ban, Deceased,

Petitioners,

880 vs.

Federal Deposit Insurance Corporation.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this application.

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Mr. Justice Jackson took no part in the consideration or decision of the cases in which judgments or orders are this day announced.

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Mr. Justice Black, Acting Chief Justice, announced the following order:

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

It is ordered by this Court that all cases on the docket, be, and they hereby are, continued to the next term."

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Proclamation being made the Court is adjourned to the time and place appointed by law.